

2013-2014 Rules of the Senate



State of Hawaii *The Twenty-Seventh Legislature*

Donna Mercado Kim
Senate President

Ronald D. Kouchi
Vice President &
Majority Caucus Leader

Brickwood Galuteria
Majority Leader

Michelle N. Kidani
Assistant Majority Leader

Will Espero
Majority Floor Leader

Les Ihara, Jr.
Majority Policy Leader

Gilbert Kahele
Jill N. Tokuda
Majority Whips

Sam Slom
Minority Leader/Floor Leader

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PREAMBLE

The members of the Senate do hereby reaffirm the Senate's dedication to upholding the Constitutions of the United States and the State of Hawai'i, to providing for openness and fairness in all of its proceedings, and to promoting collaboration and consultation in its committee work.

The Senate stands as a people-oriented institution that serves all of the people, whatever their background or persuasion. The Senate works for the public good and strives to give every person an equal opportunity to realize his or her highest potential. The Senate's organized debate and deliberative consideration of issues shall be open to the public.

**RULES OF THE SENATE
OF THE
TWENTY-SEVENTH LEGISLATURE OF THE STATE OF HAWAI‘I**

The following Rules shall be the Rules of the Senate of the Twenty-seventh Legislature of the State of Hawai‘i.

PART I. ORGANIZATION, OFFICERS AND EMPLOYEES

Rule 1 Organization.

(1) When the Senate convenes in the first Regular Session of each Legislature, the member from the First Senatorial District shall act as temporary chair, call the Senate to order, appoint a temporary Clerk and a Committee of three whose duty it shall be to immediately examine the credentials of the members-elect of the Senate. If, from the report of the Committee, it shall appear that a majority of the credentials are in order, the temporary Clerk shall call the roll.

(2) The temporary Chair shall then appoint a Committee of three to wait upon a justice of the Supreme Court, an Intermediate Appellate Court Judge or a Circuit Court judge to administer the oath of office required by the Hawai‘i State Constitution. After the oath has been duly administered, the Senate shall organize.

(3) When the Senate convenes in any succeeding Sessions of the Legislature, the President or the Vice-President, in the absence of the President, shall call the Senate to order.

Rule 2 Officers and Employees.

(1) The officers of the Senate shall consist of a President, Vice-President, Clerk, Assistant Clerk, Sergeant-at-Arms, and Assistant Sergeant-at-Arms, each of whom shall be elected by a majority vote of the members of the Senate.

(2) The President and Vice-President shall hold their respective offices in accordance with Title 3, Hawai‘i Revised Statutes. Other officers and employees shall hold their respective offices and positions at the pleasure of the Senate, but a majority vote of the members of the Senate shall be required to terminate the office held by any officer of the Senate.

(3) The Senate, by a majority vote, may authorize positions from time to time as may be deemed necessary.

Rule 3 The President.

It shall be the duty of the President:

- (1) To open the meetings of the Senate by taking the Chair.
- (2) When a quorum is present, to call for the reading of the Journal of the preceding day.
- (3) To maintain order in the Senate Chamber and to require proper decorum on the part of the members.
- (4) To announce the business before the Senate in the order prescribed by the Rules.
- (5) To receive and submit all matters properly brought before the Senate by the members, call for votes upon the same and announce the results.
- (6) To receive all communications, including but not limited to, Governor's messages, budget messages, and Judiciary communications, present them to the Senate and, unless otherwise provided in these Rules, refer these and other matters to the appropriate standing committees.
- (7) To appoint all members of committees unless otherwise determined by the Senate.
- (8) To authenticate by signature, all acts and doings of the Senate which require authentication.
- (9) To make known rules of order when so requested and, subject to an appeal to the Senate, to decide all questions of order.
- (10) To issue warrants and when so directed by the Senate, to carry into effect its orders in the arrest of offenders, the issuance of subpoenas requiring the attendance of witnesses and subpoenas duces tecum requiring the production of books, documents, or other evidence, in any manner pending before the Senate, or committee, as the case may be, or other orders of the Senate.
- (11) To decide and announce the result of any vote taken.
- (12) To do and perform such other duties as are required by law or by these rules or such as may properly pertain to such office.
- (13) To clear the Senate Chamber of all persons, except its members and designated persons if there is a disturbance or disorderly conduct, or on motion duly adopted.
- (14) To control and have direction of the rooms, desks, passages, stairways, corridors, and balconies, in and about the building set apart for the use of the Senate, and all public property of the Senate. The President shall see that all officers of the Senate perform their respective duties, and may assign places to visitors and reporters. The President may admit

stenographers or other reporters, wishing to take down the debates, and assign them such places to effect their object as shall not interfere with the convenience of the Senate.

(15) To establish final dates for action on legislation, including, though not limited to the final date for introducing bills, the dates for the mandatory recess pursuant to Article III, Section 10, of the Hawai'i State Constitution, the final date for third reading of Senate Bills, the final date for third reading of House 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 President shall coordinate the date for introducing bills and may coordinate with the Speaker of the House to establish the other final dates.

(16) To mediate and resolve differences between two or more standing committees on the same bill.

(17) To administer oaths to elected officers of the Senate who are not Senators and to witnesses who are compelled to testify under oath before the Senate or a committee thereof; provided that the President may appoint a designee to administer oaths as the President deems necessary.

Rule 4 The Vice-President.

(1) The Vice-President and the President shall prepare and administer a budget for the Senate.

(2) Except as otherwise provided in the Senate Rules, the President and Vice-President shall oversee permanent support staff of the Senate who are not directly employed or supervised by an individual Senator.

(3) In the absence of the President, the Vice-President shall exercise all the duties and powers of the President.

Rule 5 President Pro Tempore.

(1) In case the President and Vice-President shall be absent at the hour to which the Senate had adjourned, the member of the majority party having the longest tenure in the Senate shall preside until a President pro tempore is chosen. If two or more members are equally qualified to preside, the eldest qualified member shall preside.

(2) The President pro tempore shall be invested with all of the powers and shall perform all the duties of the President. Whenever the President pro tempore is required to sign a bill or other instrument, the Clerk shall attach to such bill or instrument a certificate stating that such President pro tempore was duly elected and is authorized to so sign.

Rule 6 The Clerk.

It shall be the duty of the Clerk:

(1) To have charge of all records of the Senate and be responsible for the same. At no time shall the Clerk permit original documents to be withdrawn from the Clerk's keeping unless ordered by the Senate.

(2) To make a concise and complete memorandum of all petitions, motions, resolutions, amendments and other matters brought before the Senate. Such memoranda shall state the nature of the matter and the name of the introducer, and the date and day of the session on which the Senate considered the matter. The memoranda, together with other matters ordered to be placed therein, shall constitute the Journal, a copy of which shall be made available for inspection to any member upon request as soon as practicable. The Journal of each day shall be read the following day. When such Journal is approved by vote of the Senate, it shall be entered by the Clerk in a book entitled "Journal of the Senate. Session of . ." (Giving the Year).

(3) Unless otherwise directed by the Senate, to read all bills, resolutions and other matters (if so required) to the Senate.

(4) To forward at once all letters, messages, communications and other matters to the proper parties.

(5) To immediately deliver to the Chair of the appropriate committee all petitions, resolutions, bills or other matters duly referred to such committee.

(6) To see that all bills and resolutions are properly engrossed and are correct and true as finally acted upon by the Senate.

(7) To draw on the state general fund for expenses of the session as shall be authorized by the Senate and approved by the President.

(8) To pay all bills and accounts as shall be approved by the President or the President's designees, or ordered by the Senate, and no others.

(9) To be responsible for the acquisition and distribution of all of the property of the Senate.

(10) To note all questions of order with the decision thereon, collect the same, and append them to the Senate Journal at the close of the session.

(11) To perform all other clerical duties and functions pertaining to the Office of the Clerk and as the Senate from time to time shall direct. The Clerk shall post the order of business in writing in a conspicuous place each day.

Rule 7 Assistant Clerk.

The Assistant Clerk shall assist the Clerk in the performance of all duties and attend to such other duties as may be required when so directed by the Senate. In the absence of the Clerk, the Assistant Clerk shall perform all duties of the Clerk.

Rule 8 Sergeant-at-Arms.

It shall be the duty of the Sergeant-at-Arms to attend the Senate on every day of meeting; to maintain order among those present as spectators; to give notice to the Presiding Officer of the attendance of any person with communications or otherwise; to supervise the distribution of incidentals which require distribution among the members; to supervise, subject to the control of the President, the Senate Messengers; to attend upon committees if so requested; to serve all orders or process as directed by the President or Senate; to make all required arrests of members or other persons, and to retain the same in custody; to have the charge and responsibility for the postal requirements of the Senate; to refurbish furniture; to oversee and conduct office and building maintenance; and generally to execute all of the requirements of and be answerable to the President of the Senate.

Rule 9 Assistant Sergeant-at-Arms.

The Assistant Sergeant-at-Arms shall assist the Sergeant-at-Arms in the performance of all duties and attend to such duties as may be required when so directed by the President. In the absence of the Sergeant-at-Arms, the Assistant Sergeant-at-Arms shall perform all duties of the Sergeant-at-Arms.

Rule 10 Responsibilities of Officers and Employees.

The employees of the Senate shall perform such duties as may be assigned by the President or prescribed by the Senate.

All officers and employees of the Senate shall be directly answerable to the President and, upon the President's consultation with the Vice President, shall perform all the President's orders and directions, subject to revision by the Senate and to confidentiality guided by standards of professional conduct. Employees under the supervision of a Senate member shall be directly answerable to the Senate member.

An oath of office shall be administered to each officer by the President.

Rule 11 Majority and Minority Party Organization and Staff.

(1) Members of the majority and minority parties may adopt rules of procedure and administration for their respective caucuses. The rules shall not be inconsistent with the Rules of

the Senate, and any such rule of procedure for the caucus shall not be enforceable on the floor of the Senate.

(2) The establishment and staffing of the majority and minority staff offices shall be subject to budgetary constraints in the budget for the Senate that is prepared and administered under Rule 4.

Rule 12 Pay of Members, Officers and Employees.

(1) Each member of the Senate, upon being elected or appointed to office, shall receive as compensation such salary as prescribed pursuant to Article III, Section 9, of the Hawai'i State Constitution.

(2) The officers, except the President and Vice-President, and the employees shall receive compensation as the Senate shall fix.

PART II. COMMITTEES

Rule 13 Committees: Types and Composition.

(1) Standing Committees: The membership of each Standing Committee shall be appointed by the President subject to action by the Senate. The respective Chairs and Vice Chairs of each Standing Committee shall be appointed by the President, subject to action by the Senate. The majority and minority parties shall to the extent practicable be represented on all Standing Committees on a proportional basis or on such basis as may be prescribed by the Senate.

(2) Leadership Committees shall include majority and minority members drawn from the ranks of the Senate leadership.

(3) Special Committees shall consist of not less than three members each, unless otherwise ordered by the Senate or provided by these Rules, include a member or members of the minority party, and upon consultation with the Majority and Minority Leaders, shall be appointed by the President from time to time as occasion requires, to serve until discharged or finally reporting the specific matter referred. The Senate may establish investigative committees pursuant to Chapter 21, Hawai'i Revised Statutes; such committees shall have such powers and be bound by such conditions as may be provided by law or by these Rules.

(4) Conference Committees shall consist of not less than three members each and be managed by the Chair of the Standing Committee having primary responsibility of the subject matter to be resolved, unless otherwise ordered by the Senate. The members of the Conference Committee shall be appointed by the President from time to time as occasion requires, to serve until discharged or finally reporting the matter referred. The President may discharge a Conference Committee only upon concurrence with the Majority Leader.

- (5) The Committee of the Whole Senate.

Rule 14 Committee Chairs and Vice Chairs.

The first person named on the committee shall be the Chair, and the second member named shall be Vice-Chair. The Chair of committees shall call meetings and preside. If a chair so requests, the vice chair shall call the meeting and preside.

The purview of the Vice Chair of the Committee on Ways and Means includes the Capital Improvement Project Program Budget for the State of Hawai'i.

Rule 15 Committees: Control and Excuse from Membership.

Committees shall be under the control of and subject to the orders of the Senate, and shall faithfully carry out such orders. Any member may be excused from serving on any committee at the time of appointment, if already a member of four other committees.

Rule 16 Standing Committees.

Standing Committees shall be appointed for major subject matter areas at the opening of the session, or as soon thereafter as possible. The Standing Committees and their areas of jurisdiction shall be as follows:

- (1) Committee on Agriculture. The purview of this committee includes those programs relating to agriculture; aquaculture, including mariculture.

- (2) Committee on Commerce and Consumer Protection. The purview of this committee includes those programs relating to business regulation, professional and vocational licensing, consumer protection, financial institutions, insurance regulation, public utility regulation, telecommunications regulation, the landlord tenant code, condominium property regimes, and leaseholds.

- (3) Committee on Economic Development, Government Operations and Housing. The purview of this committee includes those programs relating to economic development, including but not limited to authorities and corporations administratively attached to the Department of Business, Economic Development and Tourism not specifically identified herein; other emerging industries development; financial and technical assistance to business; urban renewal; community development; housing development; film and digital media production; astronomy, biochemistry, biomedicine, biotechnology, and other scientific research and development activities; and recreation, including commercial ocean recreation activities, sports and athletics, and the Aloha Stadium; and state government operations policy, including government efficiency; procurement, and state facilities not specifically identified herein.

(4) Committee on Education. The purview of this committee includes those programs relating to early education, including the Hawai'i P-20 Initiative, public schools, continuing education, and the public libraries.

(5) Committee on Energy and Environment. The purview of this committee includes those programs relating to energy resources, including the development of alternative energy resources; population; and environmental quality control and protection, including litter control, recycling, wastewater treatment, endangered species, invasive species and hazardous waste.

(6) Committee on Hawaiian Affairs. The purview of this committee includes those programs relating to Hawaiian affairs, including but not limited to the Office of Hawaiian Affairs, Hawaiian home lands, sovereignty, and burial councils.

(7) Committee on Health. The purview of this committee includes those programs relating to general health, maternal and child health, communicable diseases, dental health, medical and hospital services, mental health, developmental disabilities, and hospitals.

(8) Committee on Higher Education. The purview of this committee includes those programs relating to the University of Hawai'i, the community college system, private higher education bond financing, and other education matters relevant to higher education, but not including Hawaii P-20 Initiative.

(9) Committee on Human Services. The purview of this committee includes those programs relating to public assistance; Medquest; youth services; early childhood learning and care programs under the Department of Human Services; vocational rehabilitation; long term care; programs relating to the promotion of the general well-being of Hawai'i's youth, families, elderly population; the homeless, and affordable and public housing.

(10) Committee on Judiciary and Labor. The purview of this committee includes those programs relating to the courts; crime prevention and control, including juvenile justice matters; criminal code revision; statutory revision; campaign spending and elections; ethics; constitutional matters; the Attorney General, Public Defender, and Judiciary; individual rights and civil liberties; public officers and employees; labor; employment opportunities and training; labor-management relations; collective bargaining; the Employees' Retirement System; and the Hawai'i Employer-Union Health Benefits Trust Fund.

(11) Committee on Public Safety, Intergovernmental and Military Affairs. The purview of this committee includes those programs relating to public safety, corrections, the narcotics division, and the sheriffs division, military and veterans' affairs, space exploration and aerospace development, civil defense, disaster readiness, county and federal relations, state building code, and matters of concern to the counties.

(12) Committee on Technology and the Arts. The purview of this committee includes those programs relating to the development of technology, including but not limited to the use of information storage, transmissions, processing, and telecommunications; and culture and the arts in the State, including but not limited to programs relating to historic preservation.

(13) Committee on Tourism. The purview of this committee includes those programs relating to tourism, including but not limited to the Hawai'i Convention Center, Hawai'i Visitors and Convention Bureau, the Hawai'i Tourism Authority.

(14) Committee on Transportation and International Affairs. The purview of this committee includes those programs relating to air, water, and surface transportation; and international affairs, international relations, foreign policy issues, and foreign relations.

(15) Committee on Water and Land. The purview of this committee includes those programs relating to state planning; sustainability; land and water management; forest management and reserve; coastal zone management; land reclamation; naturally occurring fisheries; ocean resources; state parks and beaches; management areas, including ocean recreation management areas, and small boat harbors.

(16) Committee on Ways and Means. The purview of this committee includes those programs relating to overall state financing policies, including revenue enhancement, taxation, other revenues, and cash and debt management; statewide implementation of planning, programming, budgeting and evaluation; and government structure and finance.

Rule 17 Standing Committees: General Responsibility.

(1) General Responsibility. On the bills referred to it, the committee shall determine objectives, make program recommendations and, where appropriate, make expenditure recommendations. For those bills which require appropriations, the committee shall make expenditure recommendations consistent with the expenditure allocations established for the bills by the Committee on Ways and Means, which shall make the final recommendation to the Senate.

(2) Subsequent referral committees; prior concurrence. On bills that have been referred to more than one committee, unless otherwise ordered by the Senate, the subsequent referral committee shall make no substantive change, except changes which affect the subject matter over which the subsequent referral committee has primary jurisdiction, without prior written approval of the preceding referral committee chair having primary jurisdiction over the subject matter affected by the change.

Rule 18 Committee on Ways and Means: Special Responsibility.

It shall be the duty of the Committee on Ways and Means, in considering the General Appropriations Bill or the Supplemental Appropriations Bill, to determine for each fiscal year of the biennium the appropriate level of total expenditures and the level of expenditures for program areas.

To the extent practicable, the Committee on Ways and Means shall make available to members of the Senate the contents of the General Appropriations Bill or the Supplemental Appropriations Bill during the 48-hour period prior to the passage of such bills on third and final reading.

Concerning all other bills requiring appropriations, it shall be the duty of the Committee on Ways and Means to inform the Standing Committee responsible for the program area to which the appropriation relates of the amount and type of financial resources available, and it shall review the expenditure recommendation of the Standing Committee to determine that the recommendation is consistent with the resources available.

In determining the amount and type of resources available for a bill requiring an appropriation and in reviewing the expenditure recommendation of the Standing Committee, the Committee on Ways and Means shall invite the recommendation of the chair of the Standing Committee responsible for the program area to which the appropriation relates.

Rule 19 Leadership Committees.

Leadership Committees, upon consultation and agreement with the Majority and Minority Leaders, may be appointed by the President at the opening of the session, or as soon thereafter as necessary. A leadership Committee on Legislative Management, upon consultation and agreement with the Majority and Minority Leaders, may be appointed by the President to perform the duties and responsibilities of the Committee as may be provided by law, or to make recommendations to the President on issues of Senate policy. Because Leadership Committees have jurisdiction over issues of organizational and institutional interest to the Senate, their membership shall include members drawn from the ranks of the Senate Leadership, thus assuring high-level consideration of these issues.

Rule 20 Special Committees on Accountability.

The President may appoint a Special Committee on Accountability which shall conduct informational briefing on matters referred to it by Senate Leadership or investigate matters referred to it by single house or concurrent resolutions. The committee shall be composed of not less than five members, unless otherwise ordered by the Senate, and include a member or members of the minority party. The President shall appoint the committee's vice chair, who may change from time to time, to represent the standing committee having primary jurisdiction over the subject matter referred to the special committee.

Each Special Committee on Accountability shall terminate at the end of the calendar year in which it was appointed, unless otherwise specified. All requirements of standing committees shall apply to the committee.

Rule 21 Meetings of Committees.

Meetings, including decision-making sessions, of leadership committees appointed by the President, and Standing Committees shall be public provided that meetings in executive session may be allowed in such exceptional circumstances when committee discussion could unfairly damage the reputation of individuals or where there is a legal question concerning a bill.

Notice of meetings shall include the number and title of the bills or resolutions, and brief descriptions and committee referrals of each of the subject matters to be covered. The notice for the first Senate meeting on a measure shall be filed at least 72 hours before the meeting and at least 48 hours before any subsequent meeting. The notice for any meeting to be held on the first work day of the week shall be filed no later than 4:00 p.m. on the last work day of the prior week.

These notice requirements may be waived with the approval of the President upon good cause shown. The 72 hour notice requirement is waived for the initial decision-making meeting for short form bills and informational briefings.

No committee shall sit during the time when the Senate is actually in session without first securing the approval of the President, except Conference Committees that may sit at any time.

As practicable, committees shall schedule their meetings at times and at places as are convenient for attendance by the general public, and in coordination with other committees of the House or Senate, shall endeavor to hold joint meetings and public hearings on matters of mutual interest.

The meetings of a Conference Committee shall be conducted as agreed upon by the members of the Conference Committee. Conference Committee meetings and decision-making sessions shall be public. Public notice of Conference Committee meetings shall be given to the extent practicable.

Rule 22 Decision-Making by Committee.

(1) The chair of a standing committee may commence a decision-making meeting and open discussion on matters referred to the committee without a quorum; provided that the decision-making by the committee on matters that are referred to it shall be conducted with a quorum of the committee present. A quorum shall be a majority of the membership of the committee.

(2) A favorable vote of a majority of the members present at a decision-making meeting duly constituted with a quorum is required to report a matter out of committee. A member voting "with reservations" shall be counted as a favorable vote.

(3) The presence of a quorum and the final vote of each member who is present at the decision-making meeting of a standing committee shall be recorded by the chair or by a member of the committee designated by the chair. This record shall be attached to and shall be a part of the report of the standing committee.

Rule 23 Public Hearings on Bills.

(1) Subject to this rule, the selection and scheduling of a bill for public hearing shall be at the discretion of the chair of the committee having jurisdiction over the bill.

(2) The chair's determination that a bill will have a public hearing shall be final notwithstanding the opposition of a majority of the members of the committee.

(3) At the written request of a majority of the members of the committee, the chair shall schedule a bill for public hearing.

(4) If a bill:

- (A) Has been referred to more than one standing committee and at least one committee hearing is required for passage of the bill out of the Senate;
- (B) Contains any significant or substantial amendment made by a committee other than the last standing committee to which the bill has been referred; and
- (C) The public has not been provided with an opportunity to submit testimony on the significant or substantial amendment;

then, prior to reporting the bill out of the last standing committee, the last standing committee to which the bill was referred shall hold a public hearing to provide the public with the opportunity to testify on the bill.

Rule 24 Committee Reports.

(1) The leadership committees as may be appointed by the President and Standing Committees shall report from time to time upon all matters referred to them.

(2) Special Committees shall report upon matters referred to them within the time permitted in the appointment of the Special Committee unless further time is given by vote of the Senate.

(3) A Conference Committee shall not report upon the matter referred unless a majority of the members of each house appointed by their respective presiding officer have concurred in the report.

Rule 25 Committees: Fact-finding and Content of Reports.

(1) Whenever any matter shall be referred to a committee it shall be the duty of the committee to make diligent inquiry into all of the facts and circumstances connected with the matter. If necessary, witnesses shall be summoned or subpoenaed, and everything shall be done to bring all facts pertaining to the matter before the Senate in accordance with the provisions of Chapter 21 of the Hawai'i Revised Statutes. The President may exercise such powers authorized under Chapter 21, relating to the issuance of subpoenas, and the President, committee chair and other duly delegated members of the Senate may exercise such powers authorized under Chapter 21 aforesaid, relating to the administering of oaths, and the compelling of witnesses who have been subpoenaed to testify. All committee meetings held on matters referred to it by the Senate

shall be open to the public unless otherwise ordered by the Senate or otherwise provided by these Rules.

(2) The report of the committee shall state findings of fact and conclusions based thereon, together with a distinct recommendation as to the disposal of that matter. A report recommending a measure for passage shall clearly state the legislative intent and purpose of the measure.

(3) The report shall also include the identity of organizations or titles of individuals representing organizations who submitted testimony on legislation for, against or comments only on the measure. A summary of any individual or individuals who submit testimony as private citizens shall also be provided.

(4) A report upon a bill shall state clearly the amendments, if any, proposed. If a substitute bill for one or more referred to the committee shall be reported, such substitute bill shall agree with the subject of the bill or bills referred to the committee.

(5) The committee shall report whenever a majority of the members present at the decision-making meeting duly constituted with a quorum is in favor of reporting the bill or resolution out of the committee. The report, after being made available, for review by the members of the committee, and after subsequent revisions thereto, if any, shall be the final report of the committee. The final report of the committee shall be attested to by the signature of the chair on behalf of the members of the committee. The action of the committee on the bill or resolution or any amendments thereto, if any, and the final vote of each member of the committee recorded by the chair or the chair's designee at a decision-making meeting shall not be changed in the review of the report, unless the change is made at an open decision-making meeting conducted with a quorum of the committee present. The minority of the members present at any decision-making meeting duly constituted with a quorum may report.

Rule 26 Committee of the Whole.

(1) The Senate from time to time may resolve itself into a Committee of the Whole. Whenever any matter shall be referred to such committee upon the adoption of a motion to that effect, the President shall call some member to take the Chair (unless the Senate shall nominate a chair), which being done, the Senate then shall be in committee.

(2) The Clerk of the Senate 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 Senate.

(3) The Committee, on motion, may rise and ask leave to sit at any future time.

(4) When a bill shall be referred to the Committee of the Whole, the bill shall be first read throughout by the Clerk, and then again read and debated by sections, leaving the preamble to be the last. All amendments, noting the page and line, shall be duly entered by the Clerk on a separate paper, as the same shall be agreed to by the committee, and so reported. When a bill is

ordered into Committee of the Whole, such order may dispense with the reading of the whole bill before considering it section by section.

(5) In Committee of the Whole, the rules of procedure in the Senate shall be observed except that any member may speak more than once on the same subject, but no person shall speak a second or further time until others desiring to speak shall have had an opportunity, nor shall the motion for the previous question be allowed. A time limit for debate may be fixed by vote.

PART III. SESSIONS; ATTENDANCE; NOMINATIONS

Rule 27 Meetings.

(1) The Senate shall meet for the transaction of public business every day, except Saturdays, Sundays, legal holidays and such other days as the Senate shall designate by motion or resolution duly adopted and entered in the Journal.

(2) The regular hour of meetings of the Senate is established at eleven-thirty o'clock a.m. but the hour of meeting, recess and adjournment for any day may be such as the Senate, by motion, shall decide from time to time.

Rule 28 Attendance.

No member shall be absent from the sessions of the Senate unless given leave by the President or unless the member is sick and unable to attend.

Rule 29 Extension of Session.

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

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

Your petitioners, members of the Senate and of the _____ Legislature of the State of Hawai'i, respectfully request an extension of _____ days of the _____ session of _____ of the _____ Legislature of the State of Hawai'i."

The petition shall be in writing, above the signatures of the members.

When the President of the Senate receives such a petition, and it is properly signed by two-thirds of the members to which each house is entitled, the President and the Speaker of the

House of Representatives shall jointly issue a proclamation extending the session for the number of days sought in the petition.

Rule 30 Recessed Session.

Any session of the Legislature may be recessed by concurrent resolution adopted by a majority of the members to which each house is entitled. Each regular session shall be recessed pursuant to Article III, Section 10, of the Hawai'i State Constitution for not less than five days at some period between the twentieth and fortieth days of the regular session.

Rule 31 Special Sessions.

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

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

Your petitioners, members of the Senate and of the House of Representatives of the _____ Legislature of the State of Hawai'i, respectfully request that a special session of the _____ Legislature of the State of Hawai'i be convened at _____."

The petition shall be in writing, above the signatures of the members.

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

(2) Two-thirds of the members to which the Senate is entitled may petition the President of the Senate to call a special session of the Senate for the purpose of carrying out the Senate's responsibilities under Article VI, Section 3, of the Hawai'i State Constitution. The petition shall read:

"To the President of the Senate

Your petitioners, members of the Senate of the _____ Legislature of the State of Hawai'i, respectfully request that a special session of the Senate of the State of Hawai'i be convened at _____."

The petition shall be in writing, above the signatures of the members.

When the President of the Senate receives such a petition, and it is properly signed by two-thirds of the members to which the Senate is entitled, the President of the Senate shall issue

a proclamation convening the Senate in special session at the time and place sought in the petition.

(3) A meeting of the Senate may be convened at any time for the purpose of carrying out the Senate's responsibilities under Article III, Section 12, of the Hawai'i State Constitution, by a petition submitted to the Clerk of the Senate signed by a majority of the members to which the Senate is entitled. In such meeting, the Senate may organize itself, choose its officers, and adopt rules for its administration. The petition shall read:

"To the Clerk of the Senate

The petitioners, members of the Senate of the _____ Legislature of the State of Hawai'i, shall convene a meeting of the Senate of the State of Hawai'i at _____."

The meeting of the Senate shall be held for the purpose of carrying out the Senate's responsibilities under Article III, Section 12, of the Hawai'i State Constitution to organize itself, choose its officers, and adopt rules for its administration.

The petition shall be in writing, above the signatures of the members.

When the Clerk of the Senate receives such a petition, and it is properly signed by a majority of the members to which the Senate is entitled, the Clerk of the Senate shall issue a notice of the meeting for the time and place sought in the petition.

Rule 32 Adjournments.

Meetings may be adjourned at any time. Unless otherwise specified in the motion, every adjournment shall be considered as being to the established hour of meeting on the following business day; but no adjournment shall be for more than three days, or sine die, without the consent of the House of Representatives.

Rule 33 Motion to Adjourn.

A motion to adjourn is always in order, and shall be decided without debate. One motion to adjourn shall not follow another without intervening business.

Rule 34 Quorum.

For the transaction of business, a majority of the number of members to which the Senate is entitled shall constitute a quorum, of which quorum a majority vote shall suffice, but the final passage of a bill shall require the vote of the majority of the members of the Senate. A smaller number than a quorum may adjourn from day to day and compel the attendance of absent members. For the purpose of compelling the attendance of absent members, a majority of the members present, by resolution, may direct the Sergeant-at-Arms to place the members who are

absent under arrest and return them to the Senate. Any warrant pursuant to such a resolution shall be issued in the name of the Senate and shall be signed by the member then presiding. For the purpose of ascertaining whether there is a quorum present, the President shall count the members present.

Rule 35 Executive Session.

(1) If the Senate considers it necessary to act confidentially upon any communication from the Governor or upon any nomination or other matter, it may go into executive session.

(2) When any member desires to make known any matter to the Senate which the member deems should be confidential and private, the member shall communicate that desire to the President who shall decide whether the Senate shall go into executive session. The Senate may decide whether the matter communicated shall be kept secret.

Rule 36 Clearing of the Senate.

(1) When acting upon confidential business in executive session, the Senate Chambers shall be cleared of all persons except the members of the Senate and such other persons as the presiding officer with the consent of the Senate shall deem necessary.

(2) The members, officers and employees shall keep the secrets of the Senate and any other person whose presence is permitted in executive session shall be sworn to secrecy.

(3) All confidential communications made to the Senate, and remarks, votes and proceedings thereon, shall be kept strictly secret by the members, officers and employees, as well as by such other persons as have been detained or permitted to attend upon the consideration of such matters, until the Senate, by resolution, takes off such seal of secrecy, or unless such matter be later considered in open session.

Rule 37 Nominations; Appointments.

(1) Nominations made by the Governor and removal of the chief legal officer of the State which require the advice and consent of the Senate, and appointments which require the confirmation or consent of the Senate shall be referred to the standing committee having jurisdiction within five legislative days of receipt of the nomination or appointment. The standing committee to which a nomination, removal of the chief legal officer or appointment is referred, shall report to the Senate with a recommendation to advise and consent, confirm, or reject on or before the fifty-ninth day of the session.

(2) Except for the appointment of a justice or judge, a nomination or appointment made by the Governor which is received by the Senate after the forty-first day of the session of the Legislature shall be returned to the Governor without action, unless a confirmation or consent is required to further a public purpose which cannot be satisfied by an interim appointment. Notice

of this rule shall be given to the Governor not later than the twentieth day of the session of the Legislature.

(3) The final question on nominations made by the Governor shall be: "Will the Senate advise and consent to this nomination?"

(4) The final question on the removal of the chief legal officer of the State shall be: "Will the Senate advise and consent to the removal of the chief legal officer of the State?"

(5) The final question on appointments made by the Governor which require the confirmation or consent of the Senate shall be: "Will the Senate confirm (or consent) to this appointment?"

(6) The final question on nominations, removal of the chief legal officer or on appointments shall not be put sooner than twenty-four hours from the time when the nomination or appointment is received, nor on the day in which it may be reported by a committee, unless by unanimous consent.

(7) Public hearings shall be held for all nominees, for the removal of the chief legal officer of the State, and for all appointees prior to confirmation or consent by the Senate.

(8) Consent to the appointment of justices and judges shall be pursuant to Article VI, Section 3, of the Hawai'i State Constitution.

Rule 38 Meeting at a Place Other than the Capitol.

Whenever, for any reason, the Governor shall convene the Senate at any place other than the Capitol, it shall attend together with all of its officers at the time and place ordered.

PART IV. ORDER OF BUSINESS

Rule 39 Order of Business: General.

After roll call and the reading of the Journal, the President shall call for business in the following order:

- (1) Messages from the Governor.
- (2) Reports and communications from the state officers.
- (3) Communications, bills, resolutions and other matters from the House of Representatives.
- (4) Concurrent and senate resolutions and introduction of bills.

- (5) Reports of Conference and Joint Committees.
- (6) Reports of the Leadership Committee on Legislative Management.
- (7) Reports of Standing Committees.
- (8) Reports of other Leadership Committees.
- (9) Unfinished business, upon which the Senate was engaged at the time of its last adjournment.
- (10) The Order of the Day.
- (11) Miscellaneous communications.
- (12) Any miscellaneous business on the President's table.

Rule 40 Order of Business: Special.

The Senate, by previous motion, may direct that any matter named shall be made a special order of business and that such special order shall take precedence of all business after the fourth order, or that it shall take any other position lower down on the calendar.

Rule 41 Order of Business: Committee Reports and Gubernatorial Messages.

Reports from Conference or Joint Committees, and from Leadership Committee on Legislative Management, shall be in order at all times after the second order of business, and, upon motion, messages from the Governor or from the House of Representatives may be received at any time. Without unanimous consent, however, such messages or reports shall not be in order for discussion when received, but shall be placed on the calendar as unfinished business.

Rule 42 Order of Business: Order of the Day.

- (1) All floor votes on legislation will be posted on the order of the day.
- (2) After the first seven orders of business set forth in Rule 39, it shall be in order, pending consideration thereof, to move that the Senate proceed to dispose of the unfinished business or to the Order of the Day. If such motion be decided in the affirmative, such consideration shall immediately be taken up.

Rule 43 Order of Business: Unfinished Business.

The unfinished business in which the Senate was engaged at the time of the last adjournment shall have the preference in the Order of the Day. Until the former is disposed of, no motion for any other business shall be received without special leave of the Senate.

Rule 44 Order of Business: Questions on Priority.

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

PART V. BILLS

Rule 45 Bills: Introduction.

Any bill may be introduced on the report of the committee or by any member, except appropriation bills subject to the next paragraph, and except short form bills which may only be introduced by the majority leader or the minority leader after appropriate consultation with committee chairs and other members of the Senate.

The Executive Budget, Judiciary Budget, Legislative Budget, General Appropriations Bill, Supplemental Appropriations Bill, Office of Hawaiian Affairs Budget, and bills for criminal injuries compensation, for claims against the State and for funding of collective bargaining agreements may be introduced only by the President. Each member may introduce only one bill appropriating money for capital improvements projects in the member's district. The majority leaders and the minority leader shall develop a policy governing introduction by individual members of bills intended to appropriate money or to authorize the issuance of state bonds.

Bills, which shall 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 Senate at the end of the odd-numbered year session and shall publish the record of the status of all such bills prior to the convening of the next regular session.

Every bill introduced or reported out of any committee, which amends an existing section or subsection of the Hawai'i Revised Statutes or Session Laws of Hawai'i, 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 Supplemental Appropriations Bill need not conform to this rule, nor an amending bill where the intent and effect of the amending bill 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 President may allow. The President may allow additional exceptions to this rule.

Rule 46 Bills: Referral to Committee.

(1) Upon introduction, all bills shall be numbered by the Clerk in numerical sequence, shall bear an identification as a Senate Bill, and shall pass first reading.

(2) The majority research office shall make recommendations to the majority leadership on the referral of each such bill to appropriate Leadership or Standing Committees.

(3) Each such bill shall be referred by members of the majority leadership appointed by the President, to one or more appropriate Leadership or Standing Committees for consideration.

(4) Any referral may be reconsidered by the President upon written request of any chair who is aggrieved by the referral made within three working days. The President shall decide the request for reconsideration within a reasonable time, which decision shall be final. No request for reconsideration shall be considered if the timing of the request would have the effect of killing a bill or resolution.

(5) Any proposed senate draft that makes major amendments or wholesale changes that could affect the referral of the bill shall be submitted to the President for review and if the President deems it appropriate, the bill may be re-referred as determined by the President. The President's determination of any proposed re-referral shall be made within twenty-four hours of receipt of the proposed senate draft.

(6) Each Leadership and Standing Committee shall consider the bills and other matters referred to it as expeditiously as may be possible.

Rule 47 Bills: Required Readings.

No bill shall pass the Senate unless it shall have passed three readings in the Senate on separate days. The President shall give notice in each instance whether it be the first, second or third reading.

Rule 48 Bills: First Reading.

(1) The first reading of a bill shall be for information. If opposition be made to it, the question shall be: "Shall this bill be rejected?" which question may be debated. But no one shall speak more than once upon such question, except the introducer of the bill, who may close the debate.

(2) If the question to reject be negative, the bill shall go to its second reading without question.

Rule 49 Bills: Second Reading.

A bill upon its second reading may be read by its title only. It then shall be subject to a motion to commit. If it is not referred to a Leadership Committee, Standing Committee, or Special Committee, but is ordered to be considered in Committee of the Whole, a day for such consideration shall be determined by the chair of such committee. When the bill is reported from committee it shall take its place in the order of business for future consideration.

Rule 50 Bills: Third Reading.

(1) No bill shall pass third or final reading in the Senate unless copies of the bill in the form to be passed have been made available to the members of the Senate for at least 48 hours. Form to be passed means the form in which a bill is to be (a) passed on third reading in the Senate, (b) concurred to by the Senate after amendments have been made by the House, or (c) passed by the Senate after a Conference Committee has agreed upon it.

(2) A bill on its third or final reading may be read by its title only. Upon the final passage of any bill, the Ayes and Noes shall be called. Such passage shall require the affirmative vote of a majority of all the members of the Senate and the Ayes and Noes shall be entered on the Journal.

(3) All bills, except on first reading, shall be identified by title on the Order of the Day before consideration by the members unless waived by the President.

Rule 51 Bills: Property of Senate.

All bills introduced in the Senate shall be deemed the property of the Senate and under its control unless they shall become law, subject however to the right of the House of Representatives to amend or to refuse to agree with the bills.

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 Senate in an odd-numbered session, it shall pass at least one reading in the Senate in the next regular session upon its return to the Senate from the House.

Rule 52 Bills: Recall from Committee.

Twenty days after a bill has been referred to a committee, the same may be recalled from such committee by the affirmative vote of one-third of the members of the Senate.

Rule 53 Matters Tabled.

When a bill or resolution or other matter has been laid upon the table, it shall not thereafter be taken from the table and be considered or restored to a place upon the calendar of the Senate without the consent of a majority.

Rule 54 Bills: Amendments.

(1) All amendments proposed to any bill shall be in writing, unless otherwise ordered by the Senate, and shall be sent to the Clerk's desk to be filed with the bill.

(2) The fundamental purpose of any amendment to a bill shall be germane to the fundamental purpose of the bill.

(3) The Clerk shall prepare and distribute copies of any proposed floor amendment to each member of the Senate present.

(4) A floor amendment shall be deemed pending only after its proponent has been recognized by the President and its adoption has been properly moved and seconded.

(5) A floor amendment that relates to a different subject, is intended to accomplish a different purpose, incorporates any other bill pending before the Senate, or would alter the nature of the bill as reported, is not germane and shall not be considered by the Senate.

(6) An amendment to a floor amendment that is not germane to both the floor amendment and the bill as reported shall not be considered by the Senate.

Rule 55 Bills: Certification.

When a bill is passed it shall be certified by the Clerk who shall note the day of its passage in the journal along with a record of the ayes and noes.

Rule 56 Bills: Received from House of Representatives.

Whenever a House bill which has passed Third Reading in the House of Representatives shall be certified to the Senate for its action, such bill shall be read three times before final passage, in accordance with the provision of the rules for the passage of bills introduced in the Senate.

Rule 57 Bills: Transmittal to House of Representatives.

When a bill originating in the Senate shall have passed its third reading, or when a bill originating in the House which has been received from the House shall have been amended, or when a carry-over bill from an odd-numbered year originating in the House passes its third reading in the Senate in an even-numbered year session, such bill or such amended bill shall

immediately be certified by the President and Clerk and sent to the House of Representatives for its consideration.

Rule 58 Bills: Correction of Errors.

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

Rule 59 Bills: Order of Consideration.

(1) The Clerk shall ensure that bills that have passed first reading are made immediately available. When the bills have been made available to the members of the Senate, the Majority Leadership, appointed by the President, shall refer the bills to the various committees. When the committees have considered the bills and reported on them, the committees shall return the bills to the Clerk, and the Clerk shall place the bills in the Second Reading File. The Senate shall consider the bills in the order in which they appear in the Second Reading File.

(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 reference to committee or the date of the committee report on them. The Clerk shall place them on the Third Reading File in the order in which they passed second reading and the Senate 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.

Rule 60 Bills: Special Order of Consideration.

All bills and other matters set for consideration on particular dates, shall be arranged in the order of the several votes making such assignments. A list shall be made of such special orders, and when the time for consideration arrives, such bills and other matters shall be considered in the order of assignment. If an adjournment shall be had before all of such special orders are disposed of, the remainder shall go over and come under the head of unfinished business on the following day, unless otherwise ordered.

PART VI. RESOLUTIONS; MOTIONS

Rule 61 Resolutions and Motions: Form.

All resolutions shall be typewritten, dated and signed by the introducer, otherwise they shall not be considered. The Senate shall not introduce any congratulatory, commemorative or memorial resolution but shall express the sentiment contained in such resolutions by means of a suitable certificate. Motions and amendments may be verbal but shall be reduced to writing if requested by the President, and shall be read from the desk if so ordered.

Rule 62 Motions: Disposition.

After a motion is stated or read by the President, it shall be deemed to be in the possession of the Senate, and shall be disposed of by vote of the Senate; however, it may be withdrawn by the mover at any time before an amendment has been adopted or before the decision on the motion if not amended.

Rule 63 Motions Applicable to Pending Matters.

Whenever any bill or resolution or other matter shall be under discussion, the only motions relative thereto shall be:

- (1) To lay upon the table,
- (2) To postpone to a certain time,
- (3) To postpone indefinitely,
- (4) To commit or recommit, and
- (5) To amend, which motions shall have precedence in the order named.

The first two motions shall be decided without debate and shall be put as soon as made.

A motion to recommit will require a floor vote.

When any of the motions shall be decided in the negative, they shall not be revived the same day relative to the main question under discussion. If all are negative as aforesaid, the only remaining question shall be as to the adoption of the bill, resolution or other main question.

Rule 64 Matters Postponed Indefinitely.

When a question is postponed indefinitely, the question shall not be acted upon again during the session in which it was introduced.

Rule 65 Motion for Previous Question.

The object of the motion for the previous question is to cut off debate. It shall always be in order. It shall require a three-fifths vote to carry it.

Whenever the motion shall be carried, the author of the resolution or introducer of the bill under discussion shall be permitted to close the debate, after which the main question, subject to Rule 63, shall be put. The author or introducer may delegate to another such right to close.

Rule 66 Motion for Reconsideration.

(1) When a motion has been once made and carried in the affirmative or negative, it shall not be in order for any member who voted on the side that did not prevail to move for a reconsideration thereof; but any member who voted on the prevailing side may move to reconsider it on the same or the succeeding day of session, or, with the consent of the Senate, on any subsequent day and such motion shall take precedence of all other questions, except a motion to adjourn.

(2) When a motion for reconsideration has been decided by vote, that vote shall not be reconsidered.

(3) When a bill or resolution or other matter upon which a vote has been taken shall have gone out of the possession of the Senate, and shall have been transmitted to the House of Representatives, a motion to reconsider shall be deemed to include a request to the House to return the same. If not complied with by the House, then the vote on the motion to reconsider shall be set aside. If such motion shall pass, the Clerk shall promptly communicate to the House the request for return of the matter to be reconsidered.

PART VII. PETITIONS AND COMMUNICATIONS

Rule 67 Petitions, Memorials, and Miscellaneous Communications.

(1) Any person may petition the Senate. Petitions and other memorials, except as provided in Rule 61, shall be in writing, signed by the petitioners.

(2) All petitions, memorials and other papers addressed to the Senate or to the President and members shall be presented to the Senate by the Clerk.

(3) A brief statement of the contents of such petitions, memorials or other papers shall be made orally by the Clerk.

(4) Every such petition, memorial or other paper shall be ordered filed or referred to a committee, as of course, by the President, unless such action is objected to by a member at the time such petition, memorial or other paper is presented.

(5) No such petition, memorial or other paper shall be debated on the day it is presented, except with the consent of the Senate.

PART VIII. ORDER; DEBATE; VOTING

Rule 68 Questions of Order.

(1) A question of order may be raised at any stage of the proceedings, except during the calling of the roll when the Ayes and Noes are called for. Unless submitted to the Senate, such questions shall be decided without debate by the presiding officer, subject to an appeal to the Senate. Laying such appeal on the table shall be held as sustaining the ruling of the presiding officer.

(2) Any question of order may be submitted to the Senate for its decision.

Rule 69 Debate: General Limitation.

No member shall speak more than twice, unless such member be the mover of the matter pending, in which case such member shall not be permitted to speak in reply until every member choosing to speak shall have spoken.

Rule 70 Voting: Methods.

There shall be five methods of ascertaining the decision of the Senate upon any matter.

(1) First, by voice; Second, by raising of hands; Third, by rising; Fourth, by call of the roll of the members and a record of the Clerk of the vote of each; and Fifth, by unanimous consent.

(2) Whenever the Senate is ready to vote on any question, the President shall rise, and after stating the question, shall request all those in favor of the affirmative of the question to vote "Aye." The President then shall call upon all voting in the negative of the question to vote "No." The President then shall announce the result to the Senate.

(3) If any member shall doubt the result, as announced, the President again shall state the question and call upon the members to vote either by rising in their places, and they shall remain standing until counted, or by raising their hands and the result again shall be announced.

(4) The President shall, when one-fifth of the members present so request, and may, when one member so requests, allow a roll-call vote. Clerk shall call the roll of the members of

the Senate. Each member, when called, shall vote in a clear loud voice, "Aye," if voting in the affirmative, or "No," if voting in the negative. The Clerk shall record each vote and such record shall become a part of the Journal of the Senate. The President shall announce the results as above set forth.

(5) With the unanimous consent of the Senate, the President may direct the Clerk to record an "Aye" vote for each member of the Senate. If there is no objection, the Clerk shall so record the vote. If there is objection, the President shall ask for the names of the members voting "No" and order the Clerk to record no votes for them.

Rule 71 Voting: Rights of Members.

(1) No member, on any account, shall refrain from voting unless excused by the President. A member voting "with reservations" shall be counted as a favorable vote. A member may vote "Kanalua" the first time the member's name is called by the Clerk on any vote, but if the member votes "Kanalua" on the next call of the member's name, the member's vote shall be recorded as "Aye."

(2) The President may excuse a member who has a monetary interest in the question, or whose right to a seat in the Senate will be affected by the question, or whose official conduct is involved in the question. If a member thinks there may be a personal interest in the question, the member shall rise and disclose the interest to the President. The President then shall rule whether the member has a conflict of interest. If so, the member shall be excused from voting.

(3) Whenever the Ayes and Noes are called, no one, without unanimous consent, shall be permitted to explain a vote.

(4) After the announcement by the President of the result, no one shall be allowed to vote or to change a vote.

PART IX. DECORUM; DISCLOSURES; PEER REVIEW; PUNISHMENT

Rule 72 Misconduct; Procedure; Peer Review.

No member of the Senate shall be subject to a charge for misconduct, disorderly behavior, or neglect of duty unless the person making the charge shall have first given notice of the charge to the President and to the member being charged.

Upon receipt of the charge, the President shall attempt to resolve the matter in an administrative proceeding. If the matter cannot be resolved administratively, the President may appoint a Special Committee to be chaired by the Vice-President or such other member as the President may designate to investigate, hear and report upon the conduct of the member charged for misconduct, disorderly behavior or neglect of duty. Any member so charged shall be informed in writing of the specific charge or charges made against the member and have opportunity to present evidence and be heard in the member's own defense before the Special

Committee. Following its investigation and hearing, the Special Committee shall file its report with the President setting forth its findings and recommendations.

If the committee recommends dismissal of the charge or charges, the President may dismiss the charges without further hearing, or the President may present the report of the committee to the Senate for its consideration. The Senate, by a majority vote, may dismiss the charge or charges against the member without a hearing.

If there is no dismissal of the charge or charges, or if the committee recommends censure, suspension or expulsion, the President shall present the report of the committee to the Senate for its consideration and decision. The member who is charged, shall be informed in writing of the presentation of the charge or charges of the committee report to the Senate and be given an opportunity to be heard in the member's own defense. The Senate, by a majority vote, may dismiss the charge or charges without a hearing, or with notice and an opportunity to be heard in the member's own defense, censure a member or, upon a two-thirds vote of all the members of the Senate, suspend or expel a member.

At any stage of the charge against a member, the member shall have a right to be represented by a person or persons of the member's own choosing.

Rule 73 Decorum: Transgression of Rules.

If any member transgresses the rules of the Senate, the President, or any member, may call such member to order, and, when so called to order, the member immediately shall sit down. The President then shall decide the question of order without debate, subject to an appeal to the Senate.

The President may call for the sense of the Senate on any question of order.

Rule 74 Decorum: Address.

When any member is about to speak, such member shall rise from the member's seat and address all remarks to the President. While speaking, the member shall confine all remarks to the question under debate, shall refer to other Senators by title only (e.g., "Senator from the _____ District"; "The Chair of the Committee on _____"; "The Majority Leader,") and not by name and shall avoid personalities.

Rule 75 Decorum: Person Called to Order While Speaking.

Whenever any person shall be called to order while speaking, such person shall be deemed to be in possession of the floor when the question of order is decided and may proceed with the matter under discussion.

Rule 76 Decorum: Presence in Senate.

No person shall sit at the desk of the President or Clerk, except by permission of the President, nor shall any person, other than a member, officer or permitted employee or person, sit in the main Senate floor area during any of the sessions of the Senate.

Rule 77 Decorum: Conduct in Session.

When the President is putting any question or addressing the Senate, no one shall walk out of the room or across the floor. When a member is speaking, no one shall entertain a private discourse, nor shall anyone pass between the member speaking and the Chair.

No one shall cause any annoyance or disturbance on the Senate floor by use of sound-emitting electronic devices such as cell phones or pagers.

Rule 78 Decorum: Disorderly Conduct in Session.

If, during any session of the Senate, any member should behave in a disorderly manner the President shall order the member to be seated and preserve the peace. If such member then shall persist in disorderly conduct, the President shall order the Sergeant-at-Arms to remove the member from the Senate and the member shall not be permitted to take a seat during the remainder of that day's session, except upon satisfactory pledge given to the Senate for future good behavior.

Rule 79 Decorum: Recording of Debate Called to Order.

If any Senator is called to order for words spoken in debate, upon the member's demand or on that of any other Senator, the words objected to shall be taken down in writing and noted by the Clerk, and, if required, shall be read for the information of the Senate.

Rule 80 Decorum: Smoking.

No member or other officer shall smoke anywhere within the capitol.

Rule 81 Standards of Conduct.

(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 Senate.

(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 pending public business before them.

(3) Members should treat their fellow Senate members, staff, and the general public with respect and courtesy, regardless of political or religious beliefs, race, ethnicity, sex, sexual orientation, or physical disability.

(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:

- (A) Refrain from allowing family, social, business, or other relationships to unduly influence the member's legislative conduct or judgment.
- (B) Refrain from showing bias or prejudice, including but not limited to bias or prejudice based on political or religious beliefs, race, ethnicity, sex, sexual orientation, or physical disability, in the performance of their official duties.
- (C) 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.
- (D) 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.
- (E) Afford to every person who wishes to participate in the legislative process the opportunity to be heard according to established procedures.
- (F) 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.
- (G) 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 families, or others with whom they maintain personal, business, or professional relationships.
- (H) 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 Senate, to the extent that such conduct may reasonably be perceived as personal exploitation of their public office.

Rule 82 Decorum: Solicitation Prohibited.

An officer or employee of the Senate shall not solicit subscriptions, for any purpose, from any other officer or employee thereof, nor from any Senator. Nor shall any person be permitted to solicit or receive subscriptions or contributions for any purpose on the floor or in the lobby of the Senate or in any Senate office.

Rule 83 Disclosures.

Each member shall file with the Ethics Commission of the State of Hawai‘i, a disclosure of the member's private financial interests, as prescribed by law. Each member shall file with the Ethics Commission any change in such financial interests.

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 disclose orally such interest to the Senate before voting. The member then shall immediately make the written disclosure required by law and the Rules of the Senate.

Any member who has filed a disclosure as required by this Rule need not make a further oral disclosure on the Senate floor of any interest so filed.

Rule 84 Violating Confidence.

If any matter covered in Rule 35 or 36 shall be disclosed by any Senator, the Senator shall be liable to censure, or, by a two-thirds vote, to suspension or expulsion from the Senate. If an officer or other person authorized to hear such matter shall disclose the matter, such officer shall be dismissed and such other person shall be liable to punishment for contempt comparable to the punishment provided for by Article III, Section 18 of the Hawai‘i State Constitution and in the manner as therein prescribed.

Rule 85 Conflicts of Interest.

(1) No member shall vote on any legislation if the member has a direct financial interest in the legislation, unless the member is part of the class of people affected by the official action based upon the member's profession, trade or business; provided that this rule shall not apply to votes on the recommendations of a committee when a member has disclosed a potential conflict. For the purposes of this rule, a "direct financial interest" means that the legislation affects the legislator's personal business, property, or financial interest.

(2) If a member is uncertain as to whether a conflict of interest exists, the member may request a ruling from the President by giving notice and disclosing the direct financial interest to the President 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 President shall give due consideration to the context of that portion as it relates to the overall purpose of the measure. If the President determines that a conflict exists, the President shall excuse the member from voting.

PART X. QUESTIONS TO STATE OFFICERS

Rule 86 Questions to State Officers.

Any member of the Senate may ask any question of any state officer relating to the officer's respective department by reducing such questions to writing, over the member's signature, reading the same before the Senate, and furnishing the officer with a copy of such written question. Any officer questioned shall reply to such question upon the following day, unless the Senate shall grant a definite extension of time for replying.

PART XI. AMENDMENT, SUSPENSION AND INTERPRETATION OF RULES

Rule 87 Amendments; Suspension; Violations.

(1) No rule of the Senate shall be amended or rescinded nor shall any new rule be adopted, without one day's notice of such change. Any such action shall require a majority vote of the members of the Senate.

(2) Any rule may be suspended for a particular purpose upon a majority vote of the members of the Senate.

(3) Any violation of these Rules shall be referred to the President for appropriate action.

Rule 88 Parliamentary Procedure.

Mason's Manual of Legislative Procedures, 2010 edition, where not inconsistent with the Rules and practices of the Senate, shall govern.

PART XII. MISCELLANEOUS POWER

Rule 89 Administrative and Financial Manuals.

The Senate shall adopt by majority vote an administrative and financial manual of guides, the purpose of which is to establish uniformity in administrative practices and to ensure compliance with Senate policies.

Rule 90 Decorum; Disrespectful Conduct During Session by Non-member.

If, during any session of the Senate, any non-member should behave in a disrespectful or disorderly manner the non-member shall be subject to arrest and removal from the Senate Chamber by the Sergeant-at-Arms or by any other law enforcement officer of the State, as directed by the Sergeant-at-Arms. Any removal of a non-member by the Sergeant-at-Arms and its personnel shall be restricted to removal of the non-member from the Senate Chamber and through non-physical means, whenever possible. Once a non-member is removed from the Senate Chamber, the Sergeant-at-Arms shall relinquish control of the non-member to the Department of Public Safety or other law enforcement officers of the State.

For the punishment of a non-member, the provisions of Article III, Section 18, of the Hawai'i State Constitution or section 710-1078, Hawai'i Revised Statutes, pursuant to Act 204, Session Laws of Hawaii 2012, shall govern.

Rule 91 Issuance of the Senate Pin.

(1) The Senate pin is a symbol of service in the Senate and provides a common bond among current and past members.

(2) The President may choose to commission and present the Senate pin to current or past members.

(3) The Senate pin presented under this Rule shall only be worn by current or past members to whom it was presented.

(4) The Senate pin shall not be presented to an individual or representative acting on behalf of any current or past member.

(5) If the Senate pin presented under this Rule is lost, destroyed, or rendered unfit for use without fault or neglect on the part of the current or past member to whom it was furnished, the President may replace the Senate pin upon request.