

Testimony Submitted by Jim Shon

COMMISSION TO IMPROVE STANDARDS OF CONDUCT

DATE: Wednesday, October 26, 2022

TIME: 2:00 p.m.

Judge Daniel R. Foley (Ret.), Chair Robert D. Harris, Barbara C. Marumoto, Kristin E. Izumi-Nita, Nikos Leverenz, Janet Mason, Florence T. Nakakuni

IV. Consideration of Draft Bills, Resolutions, and Legislative Rules Related to Ethics and the Legislative Process:

j. Establishing rights for members of the public with respect to the conduct and operation of the legislature and its members

Basic Issues.

1. When there is outright financial corruption and criminality we have laws and agencies to deal with it. Uncovering these crimes rests as much with the proactive investigations and capacity of the AG and various prosecutors. It would be a distraction to overly emphasize recent criminal cases if it means walking away from larger issues.
2. A greater issue is the gray area of overlap between the subtle and not so subtle abuse of power and the legal but sometimes soiled pursuit of campaign support.
3. There is the deteriorating relationship, alienation and lack of confidence in government, especially the Legislature. Some of this is driven by national political culture. But it is also amplified by a gradual shift in Hawaii's political culture away from a healthy, respectful and open process toward a greater focus on the "product" which downplays good government behavior.
4. Although not enforceable outside of the legislative realm, the Rules of the House and Senate provide guardrails for values and expected behavior. These could and should be amended to reflect our highest ideals. The public would have a written standard to compare behavior with expected norms.
5. There are gaps between our ethics and (civil right laws) that too narrowly define ethics as linked only to financial gain, or discrimination against age and gender that are hard to prove. Also, staff funding for the Civil Rights Commission and Ethics often is less than needed to provide timely review and decisions. The State Ombudsman Office could and should become more proactive to address agency behavior.

More than the language of the laws and regulations, inadequate funding of these and other agencies may be far more consequential. A recent audit of the state's agency responsible for translating languages appeared to put less focus on the capacity of the agency to provide necessary services. Other agencies experience long delays before addressing specific cases.

6. In the end, we should not fail to address the Democratic Culture of our Legislature and other policy makers. Well intentioned policy makers have slowly drifted away from nurturing trust, transparency, shared and respectful collaboration, and a welcoming sense of Aloha for all our citizens that often lack real power.

The Culture And Standards of Conduct

The proposed House and Senate rules, especially the Citizens Rights portions, identify a number of chronic democratic aches and pains that so many have spoken about privately. Honest and earnest citizen advocates are wary of speaking to them out loud for fear of less influence or success. In part, the proposed Citizens' Bill of Legislative Rights incorporates practices of the past that were arguably more respectful and democratic than today's legislative culture. These "rights" are followed by examples of how with little effort the House and Senate Rules may be amended to reflect them.

I would encourage the Commission to adopt a preamble that includes many if not all of these behavioral ideals.

I would also encourage the Commission to vote on a proposal to create a more permanent Standards of Conduct Commission.

All Members of the Public:

1. *Have the right* to expect that their elected Representative or Senator will be treated with fairness, equity, dignity, respect, and inclusion, regardless of seniority, faction or party. Anything less would be an affront to all the voters who voted in their district.
2. *Have the right* to be treated with fairness, equity, dignity, respect and honesty during public hearings, regardless of their lack of power, status, wealth or other excuses for unequal treatment. This includes lack of fear that expression of an unappreciated view will not result in petty retribution by an elected official, such as cutting a specific employee from the budget. This has become almost routine as individual employee ID numbers were deleted in the Budget Worksheets. One must ask if it is appropriate for the legislature to attempt to decide WHO should be employed, rather than the overall budgets of an agency.
3. *Have the right* to provide oral testimony at any public hearing, regardless of the preference of committee chairs who might prefer to discourage oral testimony.

4. *Have the right* to see all submitted testimony no later than 24 hours after it is submitted.
5. *Have the right* to expect all committee members to see and review all bills, amendments, and committee reports *before* formally voting on a measure in committee.
6. *Have the right* to expect that the original content of a bill not be suddenly and substantially changed without adequate public hearings on the new content.
7. *Have the right* to expect that legislators have the honesty and openness to take a public committee or floor vote on a bill, rather than “killing” a bill with multiple referrals.
8. *Have the right* to expect that Subject Matter committees, such as health, education, transportation, education, etc. shall pass out bills without deliberate defects, and appropriation bills with the full recommended amount.
9. *Have the right* to expect that non fiscal bills not be referred to committees on Finance or Ways and Means, and that no bill should die in a conference committee by virtue of a conference chair not attending.
10. *Have the right* to expect that all official executive communications, such as budgetary information, shall be posted on a website in a timely manner.

The Ethics Gap

In recent years, some legislators have exhibited behavior that could only be described as attempts to bully or intimidate public department or agency personnel. Some have lectured employees, insisted on being included in internal departmental meetings, demanded lists of employees to be “fired” and verbally attacked individuals in a Caucus for being “too old.” At times, this is an issue of a legislator wanting to promote or outright install their own favored replacements.

All of these appear to be beyond the reach of our ethics laws, which focus extensively on the ethics of financial benefit, and not on all objectionable or even abusive behavior.

I would respectfully suggest that an additional section of the ethics law be drafted to address overt abuse of power as it relates to individuals who may be targeted.

Proposed Senate and House Rules

The reason why amending the rules of the House and Senate speaks directly to the overall purpose of the Commission, which is to modify and improve conduct. The willingness or resistance to amend rules by Senate and House to reflect improved behavior will serve as an indicator to all Hawaii voters as to a recognition that change is needed and sincerity to give more than lip service. While the suggested wording is of course open to improvement, I would challenge those who object to the intent of specific changes.

Proposed Amendments to Hawaii State Senate Rules

PREAMBLE

The Hawaii State Senate shall strive in all its operations to adhere to the principles and practices embodied in the following “Citizen Rights”...

All Members of the Public:

1. **Have the right** to expect that their elected Senator will be treated with fairness, equity, dignity, respect, and inclusion, regardless of seniority, faction or party.
2. **Have the right** to be treated with fairness, equity, dignity, respect and honesty during public hearings, regardless of their lack of power, status, or wealth.
3. **Have the right to know** that that expression of an unappreciated view will not result in retribution by an elected official, and that no public employee should fear losing her or his job by the Legislature cutting a specific employee’s position number in the budget worksheets.
4. **Have the right** to provide oral testimony at any public hearing, regardless of the preference of committee chairs who might prefer to discourage oral testimony, and to see all submitted testimony on its web site no later than 24 hours after it is submitted; and to expect that all official executive testimony or communications, such as budgetary information, shall be posted on a web site in a timely manner.
5. **Have the right** to expect all committee members see and review all bills, amendments, and committee reports *before* formally voting on a measure in committee.
6. **Have the right** to expect that the original content of a bill not be suddenly and substantially changed without adequate public hearings on the new content, including the requirement of all committees to hold a valid, face to face public hearing on each bill that is placed on its agenda. Submission of electronic testimony should not be confused with a genuine public hearing.
7. **Have the right** to expect that Senate Leadership will refrain from “killing” a bill with multiple referrals.
8. **Have the right** to expect that Senate Leadership shall not require that subject matter committees shall pass out bills deliberate defects (such as a defective date), and appropriation bills shall be passed on with the full recommended amount.

9. **Have the right** to expect that non fiscal bills not be referred to WAM; and that substantial amendments by budget committees shall honor the principle of prior concurrence.

10. **Have the right to expect that** Senate Leadership and Conference Committee chairs shall not allow a bill to die in a conference committee by virtue of a conference chair not attending.

Proposed Specific Amendments to Selected Rules of the Hawaii State Senate

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 workday 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.

All testimony, be it by public agencies, employees, or private individuals, submitted electronically or on paper, shall be initially reviewed and posted on a legislative web site no later than 24 hours before the scheduled hearing. The only rationale for not posting testimony would be the use of inappropriate language, insults, or threats.

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. **No vote shall take place without the circulation of the final form of a bill and its committee report to committee members and the public.** 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 **issue a written public report from time to time no later than seven days following the first or second internal lateral deadline,** upon all matters referred to them, **and the reasons for not holding public hearings or decisions to hold a bill.**

(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; **provided that all bills referred to a conference committee shall require a Conference Committee Report explaining its final form or the reasons for an unsuccessful agreement. No**

Conference committee bill shall be held solely because one or more of the members failed to attend the Conference.

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 13 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. **All bills requiring an appropriation shall include in the committee report the amount necessary to implement the bill.**

(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. **The report shall also note which individuals chose not to address the committee and stood on their written remarks.**

(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. **The report shall also record any additional hearings schedules to receive public testimony on a substantial proposed amendment.**

(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 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; **provided that no bill shall require more than two separate committee hearings or actions before moving to its final committee. Joint committee referrals can be utilized if three separate committee reviews are deemed appropriate.**

(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. **Significant amendments that substantially replace the original content of a bill shall require three readings of the new content.**

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 inform **the President 24 hours before a vote is taken**, and rise on the day of

its vote disclose the interest to the President, **the members and the public**. 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.

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, **including during private meetings of a caucus. Evidence of prejudice shall be reported to the Ethics Commission and the Civil Rights Commission by the Senate President.**

(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; **including using the budget or budget worksheets to secretly remove an individual public employee from their position.**

(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 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. **Prior to each Legislative Session, members shall disclose family relationships who are employees of the State and may benefit from selected legislation due to their professional positions and responsibilities.**

(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

Proposed Amendments to Hawaii State House Rules

PREAMBLE

The Hawaii State House shall strive in all its operations to adhere to the principles and practices embodied in the following "Citizen Rights"...

All Members of the Public:

1. **Have the right** to expect that their elected Representative will be treated with fairness, equity, dignity, respect, and inclusion, regardless of seniority, faction or party.
2. **Have the right** to be treated with fairness, equity, dignity, respect and honesty during public hearings, regardless of their lack of power, status, or wealth.
3. **Have the right to know** that that expression of an unappreciated view will not result in retribution by an elected official, and that no public employee should fear losing her or his job by the Legislature cutting a specific employee's position number in the budget worksheets.
4. **Have the right** to provide oral testimony at any public hearing, regardless of the preference of committee chairs who might prefer to discourage oral testimony, and to see all submitted testimony on its web site no later than 24 hours after it is submitted; and to expect that all official executive testimony or communications, such as budgetary information, shall be posted on a web site in a timely manner.
5. **Have the right** to expect all committee members see and review all bills, amendments, and committee reports *before* formally voting on a measure in committee.
6. **Have the right** to expect that the original content of a bill not be suddenly and substantially changed without adequate public hearings on the new content, including the requirement of all committees to hold a valid, face to face public hearing on each bill that is placed on its agenda. Submission of electronic testimony should not be confused with a genuine public hearing.
7. **Have the right** to expect that House Leadership will refrain from "killing" a bill with multiple referrals.
8. **Have the right** to expect that House Leadership shall not require that subject matter committees shall pass out bills deliberate defects (such as a defective date), and appropriation bills shall be passed on with the full recommended amount.
9. **Have the right** to expect that non fiscal bills not be referred to FIN; and that substantial amendments by budget committees shall honor the principle of prior concurrence.
10. **Have the right to expect that** House Leadership and Conference Committee chairs shall not allow a bill to die in a conference committee by virtue of a conference chair not attending.

Proposed Specific Amendments to Selected Rules of the Hawaii State House

(Link to Current Rules: <https://www.capitol.hawaii.gov/docs/HouseRules.pdf>)

Rule 2. The Speaker 2.1. It shall be the duty of the Speaker to: ...

(14) Within four session days, refer all bills to **no more than three** 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;

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. **All testimony, be it by public agencies, employees, or private individuals, submitted electronically or on paper, shall be initially reviewed and posted on a legislative web site no later than 24 hours before the scheduled hearing. The only rationale for not posting testimony would be the use of inappropriate language, insults, or threats.**

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. **No vote shall take place without the circulation of the final form form of a bill and its committee report to committee members and the public.** 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 vicechair 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) Committees shall **issue a written public report no later than seven days following the first or second internal lateral deadline,** upon all matters referred to them, **and the reasons for not holding public hearings or decisions to hold a bill.**

~~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 **and posted on legislative web sites for public review.**

(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. **No bill shall be reported out of a committee with an intentional defect that would require a subsequent amendment. Appropriation bills shall include the specific amounts recommended by the committee.**

(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 Chief Clerk at the close of the regular session in the even-numbered year.

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, **but no responsibility for bills without appropriations or tax implications.** . Subject to the provisions of these Rules, it shall consider the reports of the fiscal officers of the State, all bills, petitions, and resolutions.

Existing “Good Government” accountability Agencies include the State Ombudsman; the Ethics Commission; The Civil Rights Commission; the State Auditor; The Office of Information; the Campaign Spending Commission, and similar agencies at the county levels. All of these depend on adequate appropriations and staffing. They are also generally operating separately, in their own legal silos, sometimes with confusing contradictions.

Thus, an analysis of the adequacy of funding may be more consequential than analysis of the language of the laws.

The Big Idea. The Commission needs to be created and enacted into law as one of our permanent Good Government agencies that transcends the narrow silos of our current fragmented approach to across the board Standards of Conduct.