

**RULES OF THE HOUSE OF REPRESENTATIVES**  
**OF THE**  
**FOURTEENTH STATE LEGISLATURE**  
**STATE OF HAWAII**

**PART 1. ORGANIZING THE HOUSE**

**RULE 1. ELECTION OF OFFICERS; SELECTION OF PARTY LEADERS; SUCCESSION**

1.1. When the House convenes, the member from the First Representative District shall act as temporary presiding officer. The House shall then immediately elect a temporary Chairman. The temporary Chairman shall appoint a temporary Clerk and a credentials committee of not less than three members.

1.2. The credentials committee shall immediately examine the credentials of the members elected. If a majority of the credentials are in order, the credentials committee shall report this to the House, and the temporary Chairman shall order the temporary Clerk to call the roll.

1.3. The temporary Chairman shall then appoint a committee of not less than three members to wait upon a justice of the Supreme Court or a judge of the Intermediate Court of Appeals or Circuit Court to administer the oath of office, as required by the Constitution of the State of Hawaii. After the oath has been duly administered, the House shall organize by electing by resolution, a Speaker, Vice Speaker, Clerk, Assistant Clerk, Sergeant-at-Arms, and Assistant Sergeant-at-Arms and by adopting Rules of Procedure.

1.4. The members of the majority and minority parties shall designate, respectively, a Leader, Floor Leader, and such Assistant Leaders and Assistant Floor Leaders as they may choose to have.

1.5. The Speaker and Vice Speaker shall hold office during the term for which they are elected to the House, unless sooner removed by majority vote of the House. If they are re-elected to membership in the House for the succeeding term, they shall retain their respective positions until the day before the opening day of the succeeding Legislature.

1.6. The Majority Leader, the Majority Floor Leader, the Minority Leader, the Minority Floor Leader, and such Assistant Leaders and Assistant Floor Leaders as the majority and minority parties may select shall hold office during the term for which they were elected to the House, unless sooner removed by their respective parties.

1.7. If the office of Speaker becomes vacant, the Vice Speaker shall serve as acting Speaker until a successor Speaker is duly elected.

1.8. Any vacancy in the office of Speaker and Vice Speaker shall be filled by election.

**PART II. OFFICERS, PARTY LEADERS, AND EMPLOYEES**

**RULE 2. THE SPEAKER**

2.1. It shall be the duty of the Speaker:

- (1) To open meetings of the House.
- (2) To maintain order in the House chamber and to require proper decorum on the part of the members.
- (3) To announce the business before the House in the order prescribed by the Rules.
- (4) To receive all matters brought properly before the House and to submit them to the House, to call for votes on these matters, and to announce the results of the votes.
- (5) To consult with and to advise the Committee of the House, and to assist them in their work as an ex officio member without vote.
- (6) To receive all communications from other branches of the Government and to present them to the House.
- (7) To assign to each member of the House a seat on the floor of the House; until the Speaker assigns seats to the members, they may occupy any vacant seat.
- (8) To authenticate all acts of the House by signing them.
- (9) To make known the Rules of Order upon request, and to decide all questions of order, subject to appeal to the House.

- (10) To issue warrants to arrest offenders upon the order of the House, and to issue subpoena and subpoena duces tecum requiring the attendance of witnesses or the production of books, documents or other evidence in any matter pending before the House or any Committee.
- (11) To perform other duties required by law or these Rules, or which properly belong to the office of Speaker.
- (12) To clear the House of all persons except its members and officers if the House adopts a motion to require it, or if there is a disturbance or disorderly conduct; (covered under voting).
- (13) To direct Committees of the House to consider messages from the Governor or other communications from the executive.
- (14) To appoint any member to preside over the meetings of the House if the Vice Speaker, Majority Leader, and Majority Floor Leader are not available to perform such duties, but such substitution shall not extend beyond an adjournment.
- (15) The Speaker shall, within four session days, refer all bills to committees subject to an appeal to the House. In referring bills to one or more standing committees, the first referral shall be to the standing committee whose area of responsibility as described in Part III of these Rules is most closely related to the subject matter contained in the bill being referred. In the case of multiple committee referrals, the Speaker shall name the standing committee referred to in the sentence immediately preceding as the committee having primary responsibility for the drafting of, and to make 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.
- (16) To appoint the Chairman and members of conference committees pursuant to Rule 16.
- (17) To establish final dates for action on legislation. These shall include the final date for introducing bills pursuant to Rule 33.4, the final date for third reading of House bills, the final date for third reading of Senate bills, the final date for approving conference committee agreements and drafts of bills, the final date for final reading of the General Appropriations Bill, and the final date for final reading of the Supplemental Appropriations Bill. The Speaker shall coordinate with the President of the Senate to establish these final dates within seven days after the opening of the legislative session.

### **RULE 3. THE VICE SPEAKER**

The Vice Speaker shall consult with and advise the standing committees and assist them in their work as an ex officio member without vote and shall perform such other duties as may be assigned by the Speaker. In the absence of the Speaker, the Vice Speaker shall exercise all the duties and powers of the Speaker.

### **RULE 4. PARTY LEADERS**

4.1. The Majority and Minority Leaders and Floor Leaders, and such Assistant Leaders and Assistant Floor Leaders as the majority and minority parties may choose to have, shall perform such duties as may be assigned by their respective memberships.

4.2. If the Speaker and Vice Speaker are absent when the House convenes after the adjournment, the Majority Leader and, if the Majority Leader is absent, then the Majority Floor Leader, in that order, shall serve as Acting Speaker until the Speaker or Vice Speaker returns.

### **RULE 5. THE CLERK**

5.1. The Clerk of the House of Representatives shall be responsible for the safekeeping of all records of the House. He shall retain possession of all original documents, unless the Speaker orders him to release them to someone else.

5.2. The Clerk shall make a record each day of all matters brought before the House. This record shall state in a complete and concise manner, the nature of the matters brought before the House, the names of their introducers, and the date and day of the session on which the House considered the matters. This daily record and such additional matters as the Speaker may order the Clerk to include in it shall constitute the Journal of the House, a copy of which shall be placed on the desk of each member on the following session day or as soon thereafter as practicable. The House shall approve the Journal, subject to corrections, by vote of the House. However, the House may dispense with the reading of the Journal by majority vote.

5.3. The Clerk shall read all bills, resolutions and other matters aloud to the House when the House requires it.

5.4. The Clerk shall forward all communications and other matters he receives immediately to the parties to whom they are addressed.

5.5. The Clerk shall deliver immediately to the Chairman of the appropriate committees all matters duly referred to those committees.

5.6. The Clerk shall maintain for the committees of the House a record of subjects contained in messages from the Governor, which are referred to the committees.

5.7. The Clerk shall keep a record of all questions of order and the decision on each of them, and the Clerk shall append this record to the Journal at the close of the session.

5.8. The Clerk shall perform all other duties appropriate to his office that the House or the law assigns.

#### **RULE 6. ASSISTANT CLERK**

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

#### **RULE 7. INVOCATION**

Every session of the House shall be opened with an invocation.

#### **RULE 8. SERGEANT-AT-ARMS**

8.1. The Sergeant-at-Arms shall execute the orders of the Speaker, attend every meeting of the House, maintain order among persons who attend the sessions of the House, and notify the presiding officer of the presence of persons who have communications for the House or who otherwise are of interest to the House. If requested, the Sergeant-at-Arms shall likewise attend upon the committees of the House. The Sergeant-at-Arms shall serve all orders or process directed by the Speaker or the House, make all arrests ordered by the Speaker or the House and restrain persons in custody. The Sergeant-at-Arms shall be responsible for the House postal service. The Sergeant-at-Arms shall keep the entrances and exits of the House clear at all times, and keep from the floor of the House all persons except members of the House, authorized employees of the House and guests of the House. The Sergeant-at-Arms shall wear a badge to symbolize the authority of the office of the Sergeant-at-Arms.

8.2. The Sergeant-at-Arms shall be responsible for making purchases for the House in accordance with Title 3 of the House Manual.

8.3. The Sergeant-at-Arms shall be custodian of all property of the House and shall perform all duties related to its safeguard, care, and maintenance as provided in Title 8 of the House Manual.

#### **RULE 9. ASSISTANT SERGEANT-AT-ARMS**

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

#### **RULE 10. OFFICERS AND EMPLOYEES: RESPONSIBILITIES; SALARIES**

10.1. In addition to the responsibilities assigned by law and these rules, all officers and employees may be assigned responsibilities by their respective appointing authorities.

10.2. The Speaker and the Vice Speaker shall not receive any pay beyond that authorized for members of the House. The pay of each member shall be pursuant to section 9 of Article III of the Hawaii Constitution. Employees of the House shall be employed and paid as authorized in the House Manual.

### **PART 111. COMMITTEES**

#### **RULE 11. STANDING COMMITTEES: COMPOSITION; CHAIRMAN; DECISION-MAKING; REPORTS**

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

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

- (1) The membership of each standing committee, including the designation of the chairman and vice-chairman shall be provided for by resolution, provided, however, that the composition of the committee shall be on a proportional basis with the members of the majority party designating the chairman, vice-chairman, majority party members, and the minority party shall designate the minority party members.
- (2) A majority or minority member shall serve as a member of a standing committee or committees under only one of the major program areas in each of the following brackets: Bracket A - Education and Culture; Judiciary, Consumer Protection and Commerce; and Fiscal Management; Bracket B - Human Resources; Natural Resources; and Employment and Growth.
- (3) The Speaker, Vice Speaker, majority and minority leaders, majority and minority floor leaders shall be ex officio members of each committee without vote.

11.3. The chairman of each standing committee shall call and preside over all standing committee meetings; determine the order of deliberations on bills, resolutions, and other matters over which the standing committee as a whole retains jurisdiction; coordinate the scheduling of meetings and public hearings of the standing committee and assure that such schedules and agendas are posted or distributed as required under these rules; establish guidelines to coordinate the flow of work to assure that directions of the House are fulfilled; supervise the work of the committee staff; and supervise

the maintenance and disposition of the records of proceedings of the standing committee. The vice-chairman shall, at the request of the chairman, assist the chairman in the performance of his duties. The vice-chairman shall perform the duties of the chairman in his absence.

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

11.5. Committee Meetings:

- (1) Meetings, including decision-making sessions, of standing committees shall be public. Notice shall be publicly posted or announced on the House floor during the session day at least 48 hours prior to such meeting. Notice of meetings may be waived or shortened at the discretion of the Speaker 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 it 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 (i) in an amended form containing the substantive contents of the bill in long form, (ii) recommending that the bill be recommitted to the same committee for the purpose of holding a public hearing thereon, and (iii) without recommendation for passage on any reading of the bill.

11.6. Standing Committee Reports:

- (1) Standing committees shall report from time to time upon matters referred to them with such copies as may be designated by the Speaker. Such reports shall be printed by the House and be furnished to each member.
- (2) The reports shall state findings of facts and conclusions based thereon, together with a distinct recommendation as to the disposal of the matter.
- (3) A report recommending a bill for passage shall clearly state the legislative intent and purpose of such bill; and such report shall contain the signatures of not less than a majority of the committee members who are in favor of the recommendations. Any such signature noted "with reservations" shall be deemed to be in favor of the recommendations.
- (4) A report upon a bill 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 agree with the subject of the bill or bills referred to the committee.
- (5) Whenever a committee fails to agree, the majority shall report and it shall be the report of the committee. The minority may report or simply note upon the report of the majority the words, "I (or we) do not concur," signing their names.
- (6) All matters referred to and not reported upon by the standing committees shall be returned to the Clerk at the close of the regular session in the even-numbered year.

**RULE 12. STANDING COMMITTEES: DESCRIPTION**

12.1. Standing committees shall be created by resolution for each major program area at the opening of the session, or as soon thereafter as possible, to serve during the legislative session. The major program areas and the standing committees therein shall be as follows:

**EDUCATION AND CULTURE**

This major program area covers those programs which are intended to promote intellectual development and cultural enrichment of the community. The standing committees for this major program area shall be:

- (1) **Committee on Education**, whose scope shall be those programs relating to elementary and secondary education, continuing education, and libraries.
- (2) **Committee on Higher Education and the Arts**, whose scope shall be those programs relating to the University of Hawaii, the community colleges, and culture and the arts.

**HUMAN RESOURCES**

This major program area covers those programs which are intended to insure the physical and mental health of the people, provide adequate income and proper housing for individuals and families, and promote the general well-being of youth and elderly. The standing committees for this major program area shall be:

- (3) **Committee on Health**, whose scope shall be those programs relating to general health, maternal and child care, communicable disease, dental health, medical and hospital services, mental health, mental retardation, and hospitals.
- (4) **Committee on Human Services**, whose scope shall be those programs relating to financial assistance, vocational rehabilitation, social welfare services, promotion of the general well-being of youth and the elderly, and adult and juvenile corrections and the functions and activities contained within the Correctional Master Plan, including the initial and transitional stages of the implementation of the Correctional Master Plan, the construction of correctional facilities, and the management of programs, including programs relating to parole, adult and juvenile community correctional services, half-way houses, rehabilitation, and other pertinent matters referred to it by the House.
- (5) **Committee on Housing and Community Development**, whose scope shall be those programs relating to housing and community development.

#### NATURAL RESOURCES

This major program area covers those programs which are intended to provide for the proper development of the natural resources of the State, provide for the development and availability of energy resources and alternate energy resources, promote conditions which enhance the ecological balance and the conservation and safeguarding of the environment, promote space exploration, insure the proper development of a state general plan and an orderly growth of population, and to provide for Hawaiian Homes programs and recreational opportunities. The standing committees for this major program area shall be:

- (6) **Committee on Water, Land Use, Development and Hawaiian Affairs**, whose scope shall be those programs relating to land and water resources and use, industrial and product promotion, new industry development, space exploration promotion, financial and technical assistance to business and outdoor recreation, State parks and historic sites development and protection, game management, and Hawaiian affairs including Hawaiian Homes programs.
- (7) **Committee on Agriculture**, whose scope shall be those programs relating to agriculture.
- (8) **Committee on Planning, Energy and Environmental Protection**, whose scope shall be those programs relating to population, the State land use law and the State General Plan, energy resources and development of alternate energy resources, environmental quality control and protection, environmental health and the Coastal Zone Management Act.
- (9) **Committee on Ocean and Marine Resources**, whose scope shall be those programs relating to coral, ocean and inorganic marine resources, ocean mining, mariculture and commercial and recreational ocean fish and fishing including fishery development and management.

#### JUDICIARY, CONSUMER PROTECTION, AND COMMERCE

This major program area covers those programs which are intended to safeguard individual and property rights, protect consumers from fraudulent and deceptive practices, promote public safety, and improve the conduct of business affairs. The standing committees for this major program area shall be:

- (10) **Committee on Judiciary**, whose scope shall be those programs relating to courts, crime prevention and control, criminal code revisions, the rules of the House, judicial and legal questions, constitutional matters, programs of the Attorney General and of the Judiciary (except programs directly related to the Revisor of Statutes), individual rights and civil liberties, public defense and other pertinent matters referred to it by the House. In the event of a contest, it shall investigate and report upon the certificates of election of members. The committee shall consider all petitions and other matters relating to elections and returns referred to it by the House and report thereon.
- (11) **Committee on Consumer Protection and Commerce**. It shall be the duty of the Committee on Consumer Protection and Commerce, unless otherwise directed by the House, to consider all bills, petitions, resolutions, and those portions of the budget relating to programs for consumer protection and the regulation of trade, business, professions, and occupations, and other pertinent matters referred to it by the House.

#### EMPLOYMENT AND GROWTH

This major program area covers those programs which are intended to facilitate the movement of people and goods into and from the State and from place to place within the State, promote government efficiency and intergovernmental relations, provide improved employment conditions and labor-management relations in the public and private sectors, and to promote tourism in the State. The standing committees for this major program area shall be:

- (12) **Committee on Transportation**, whose scope shall be those programs relating to air, water, and ground transportation.

- (13) **Committee on Labor and Public Employment**, whose scope shall be those programs relating to employment, government operations and efficiency, employee pay and benefits, employee recruitment, classification and training, career development, employee performance, employment conditions, standards of conduct for employees, and collective bargaining in public employment, and programs relating to employment, employment opportunities and labor-management relations in the private sector.
- (14) **Committee on Tourism**, whose scope shall be those programs relating to tourism.
- (15) **Committee on Intergovernmental Relations**, whose scope shall be those programs relating to intergovernmental relations, including overlapping state and county functions, governmental reorganization, and international affairs and relations.

#### FISCAL MANAGEMENT

This program area covers those programs which are intended to produce the efficient, effective, economical and equitable acquisition and utilization of financial resources. The standing committee for this major program area shall be:

- (16) **Committee on Finance**, whose scope shall be those programs relating to overall State financing policies, including taxation and other revenues and cash and debt management and statewide implementation of planning, programming, budgeting and evaluation.

#### LEGISLATIVE MANAGEMENT

This major program area covers those programs relating to the administrative operations and legislative services of the House. The standing committee for this major program area shall be:

- (17) **Committee on Legislative Management**, whose scope shall be those programs relating to the administrative operations and legislative services of the House, including the appropriation acts providing for such expenses. The membership, composition, chairman, vice-chairman and ex officio members of said Legislative Management Committee shall be provided by resolution.

### **RULE 13. STANDING COMMITTEES: GENERAL RESPONSIBILITY; SPECIAL RESPONSIBILITY**

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

- (1) to consider all bills, petitions, resolutions, and other items relating to the programs and matters over which it has primary responsibility and all other items as may properly come before it.
- (2) to systematically review those portions of the State's program and financial plan and variance reports as may relate to programs over which the committee has primary responsibility. It shall examine those portions of the executive budget and the General and Supplemental Appropriations bills relating to such programs and recommend to the Committee on Finance the programs and amounts to be spent thereon. (The executive budget and the General and Supplemental Appropriations Bills are hereinafter collectively referred to as the "State budget.") The recommended programs and amounts, taken as a whole, shall be consistent with and within the expenditure amounts allocated by the Committee on Finance.
- (3) to determine the objectives of the bill, make appropriate recommendations, including, if proper, expenditure recommendations on other bills referred to it by the House. Such expenditure recommendations shall be consistent with the allocations established by the Committee on Finance. On bills which relate to programs and matter over which a standing committee to which they are referred has no primary responsibility, the standing committee shall make no substantive change to the bill unless prior concurrence of the primary committee is first obtained.
- (4) to review how programs over which it has primary responsibility have been carried out in compliance with legislative direction and whether studies, analysis, and audit should be conducted on all or part of the program in order to define issues and recommend improvements. Each standing committee shall also recommend amendments to existing appropriation acts and may further recommend revenue measures and improvements to the State's planning, programming, and budgeting system to the Committee on Finance.

As used in these Rules prior concurrence shall mean the consent, which must first be obtained, from the committee having primary responsibility of a bill before any substantive change is made to the recommendations of such standing committee. Prior concurrence by a standing committee having primary responsibility shall be by a majority decision of the committee. Prior concurrence shall apply to standing and conference committees.

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

- (1) have primary responsibility over all programs and matters relating to the State's financing policies, including taxation and other revenues, level of expenditures, and cash and debt management, and to the statewide implementation of planning, programming, budgeting, and evaluation. Subject to the provisions of these rules, it shall consider the reports of the fiscal officers of the State, all bills, petitions, and resolutions, those portions of the State budget, and all other items pertaining to such programs and matters. It shall also consider such other pertinent items as may be referred to it by the House.

- (2) establish, within the revenue raising ability of the State, the general level of total governmental expenditures for each fiscal year of a biennial period and allocate to each standing committee a proportionate part of such expenditures. Each standing committee shall be responsible for budget review of the programs within its jurisdiction and for making program expenditure recommendations to the Committee on Finance. Upon receipt of the recommendations of the other standing committees, the Committee on Finance shall review the same to determine if, when taken as a whole, the programs and amounts to be expended thereon are consistent with and within the expenditure amounts it has allocated to the respective standing committees. In making allocations to and in reviewing recommendations in any program area, the Committee on Finance shall invite the participation of the chairman of the standing committee having primary responsibility over the program. After review of all standing committee recommendations, the Committee on Finance shall be responsible for preparing General and Supplemental Appropriations bills and the General Public Improvements Bill for consideration by the House. The chairman of the Committee on Finance shall appoint a subcommittee which shall be responsible for the review of the capital improvements projects program and for making expenditure recommendations for the program to the Committee on Finance and its chairman. The vice chairman of the Committee on Finance shall serve as the chairman of the subcommittee on the capital improvement projects program. The members of the Committee on Finance shall serve as members of the subcommittee.
  - (3) in all other appropriation bills, inform the standing committee primarily responsible for the program or matter under consideration, of the amount and type of finances available. Upon receiving recommendations for the expenditures from the appropriate standing committee, the Committee on Finance shall review such recommendations to determine if, when taken as a whole, the recommendations are consistent with and within the expenditure amounts allocated. In reviewing recommendations of the standing committees, the Committee on Finance shall invite the participation of the standing committee chairman concerned.
- 13.3. Committee on Legislative Management: Special Responsibility. The Committee on Legislative Management shall:
- (1) make recommendation to the Speaker on the procedures and manner in which the administrative operations of the House should be conducted.
  - (2) make recommendations on the expenses to be included in the appropriation bills providing for the expenses of the Legislature and procedures to insure that the expenses of the House are in accordance with the appropriation acts providing therefor.
  - (3) make recommendations to the Speaker on programs relating to the establishment and operations of the House staff.

#### **RULE 14. SPECIAL COMMITTEE**

14.1. The Speaker, with the approval of the House, may appoint special committees for special or temporary purposes to consider and report on such special or temporary matters referred to it.

14.2. Special committees shall consist of not less than three members each, unless otherwise ordered by the House, to serve until discharged or until finally reporting on such matters referred to them.

14.3. Meetings of special committees shall be conducted in the same manner as provided for standing committees.

14.4. Special committees shall report upon matters referred to them within the time prescribed under the appointment of the special committees, unless further time is given by vote of the House.

#### **RULE 15. COMMITTEE OF THE WHOLE**

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

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

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

- (1) Any member may speak more than once on the same subject, provided that he shall not speak a second time or further until others desiring to speak have had an opportunity.
- (2) The motion for the "previous question" shall not be allowed.

#### **RULE 16. CONFERENCE COMMITTEE**

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

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

- (1) The chairman of the standing committee having primary responsibility of the subject matter to be resolved shall be the chairman of the conference committee on the part of the House. In the absence of the chairman of the conference committee, a designee of such chairman shall serve as chairman in his stead.
- (2) The membership of a conference committee shall be on a proportional basis. In appointing the minority party members, the Speaker shall consult with the minority leadership of the House. The Speaker shall appoint the members of a conference committee as the Speaker and the chairman of such standing committee having primary responsibility of the subject matter shall so mutually agree.
- (3) In no event shall the membership of the conference committee include any member who shall have voted in the negative on adoption of a substantive resolution or on third reading of a bill which is the subject of the conference committee.

16.3. The Chairman of the Finance Committee shall be designated the chairman of the conference committee on the General Appropriations, Supplemental Appropriations, and the General Public Improvements bills. He shall invite the participation of the primary committee chairman of the standing committee responsible for the program area to which the appropriation relates. After review, the chairman of the conference committee shall be responsible for preparing the budgets for consideration by the House.

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

16.5. The authority of a conference committee shall be limited solely to resolving differences between the House and the Senate versions of a bill or resolution. Accordingly, a conference committee shall not amend a bill or resolution by inserting into the bill or resolution any unrelated or new subject; provided that the above provisions shall not apply to the General Appropriations, Supplemental Appropriations and General Public Improvements bills; provided further that any increases to the salaries, pension or retirement benefits for any elected or appointed officer of the State or County shall be considered by separate bill other than the aforesaid Appropriations and Public Improvement bills or any bill ratifying collective bargaining agreements.

#### **RULE 17. INTERIM COMMITTEE**

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

17.2. The composition of the interim committee shall be as follows:

- (1) The chairman of the interim committee shall be the chairman of the standing committee having primary responsibility, as defined by the rules over the programs or matters to be considered by the interim committee.
- (2) The membership of the interim committee shall be on a proportional basis. In appointing the minority party members of the interim committee, the Speaker shall consult with the minority leadership of the House. The Speaker shall appoint the members of an interim committee as the Speaker and the Chairman of the interim committee shall so mutually agree.

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

#### **RULE 18. COMMITTEE ON THE JOURNAL**

18.1. A Committee on the Journal shall be appointed to prepare, compile, and bind the House Journal; to enter into contracts for printing and any other acts necessary to accomplish the purpose of printing the Journal; and to distribute the Journal to the members of the House at the next regular session.

18.2. The Committee on the Journal shall consist of the Speaker, Vice Speaker, Majority Leader, Majority Floor Leader, Minority Leader, and the chairman of the Committee on Legislative Management, whose duty it shall be to prepare, compile, and bind the House Journal, and who shall be authorized to make contracts with any printer, publisher, or bookbinder for the printing and binding of said Journal. The Clerk of the House shall act as Clerk of the Committee on the Journal. The committee shall report from time to time to the House.

18.3. The committee may correct certain errors in all proper cases, and shall correct any mere clerical errors in the compilation of the Journal, such as errors in orthography or the use of one word for another as "affect" for "effect," "previous" for "previously," and the like. No corrections other than such as are authorized by this Rule shall be made at anytime by the Clerk or his assistants, unless upon order of the committee.

#### **RULE 19. OPEN COMMITTEE MEETINGS**

Every committee authorized and or established under Part III of the Rules of the House relating to Committees shall be a committee of the House. Every meeting of a committee of the House or of a committee comprised of a member or members from the House and the Senate held for the purpose of making decisions on matters referred to the committee shall be open to the public; provided that certain kinds of meetings, including executive sessions, organizational meetings, partisan caucuses and meetings the subject of which involves the invasion of a persons's right to privacy if made public, need not be open to the public.

#### **PART IV. SESSIONS; ATTENDANCE**

##### **RULE 20. MEETINGS**

20.1. After the opening day of the Legislature, the House shall meet for the transaction of public business every day except Saturday, Sunday, any legal holiday, and any day in recess, and such other day as the House shall designate.

20.2. The House shall determine from time to time the normal hour of its meetings.

20.3. Each regular session shall be recessed for not less than five days at some period between the twentieth and fortieth days of the regular session. The House shall, by concurrent resolution, determine the dates of the mandatory recess. Any session may be recessed when a majority of the members to which each house is entitled adopt a concurrent resolution for that purpose. When directed by a resolution adopted by the House, the Speaker shall consult with the President of the Senate to agree upon the time of a recess or recesses.

##### **RULE 21. QUORUM**

21.1. A majority of the members to which the House is entitled constitutes a quorum, of which a majority vote shall suffice for the conduct of ordinary business unless otherwise provided in these rules, but the final passage of a bill shall require the vote of a majority of all members to which the House is entitled.

21.2. A majority of less than a quorum may adjourn from day to day and compel the attendance of absent members.

21.3. If a quorum is not present at the designated time of meeting, the Speaker may declare the House adjourned.

21.4. The Speaker shall count the number of members present to determine whether there is a quorum.

##### **RULE 22. ATTENDANCE**

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

##### **RULE 23. ADJOURNMENTS**

23.1. Meetings of the House may be adjourned at any time by vote. Every adjournment shall be until the normal hour of meeting on the next business day, unless the motion for adjournment specifies otherwise.

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

23.3. A motion to adjourn sine die or to adjourn to a specified time may be debated. No member shall speak more than once on such a motion.

##### **RULE 24. EXTENSION OF SESSION**

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

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

Your petitioners, members of the House of Representatives and of the Senate of the \_\_\_\_\_  
Legislature of the State of Hawaii, respectfully request an extension of \_\_\_\_\_ days of the \_\_\_\_\_  
session of \_\_\_\_\_ of the \_\_\_\_\_ Legislature of the State of Hawaii."

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

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

##### **RULE 25. SPECIAL SESSIONS**

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

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

Your petitioners, members of the House of Representatives and of the Senate of the \_\_\_\_\_ Legislature of the State of Hawaii, respectfully request that a special session of the \_\_\_\_\_ Legislature of the State of Hawaii be convened at \_\_\_\_\_."

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

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

#### **PART V. ORDER: DECORUM**

##### **RULE 26. QUESTIONS OF ORDER**

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

##### **RULE 27. DECORUM: PUNISHMENT FOR VIOLATIONS**

27.1. No person shall sit at the desk of the Speaker or Clerk, except by permission of the Speaker.

27.2. No one shall walk out of the House chamber or across the floor of the House while the Speaker is addressing the House. No one shall maintain a private discourse while the Speaker is addressing the House or a member is speaking. No one shall walk between the Chair and a member who is speaking.

27.3. The Speaker shall order any member who conducts himself or herself in a disorderly manner during any session of the House to stay in his or her seat and be in order. The Speaker shall order the Sergeant-at-Arms to remove any member who persists in disorderly conduct from the House for the remainder of the day's session, unless the member who has been disorderly pledges to the House that he or she will maintain a good behavior.

27.4. Any member who wishes to speak shall rise from his or her seat and address the Speaker, saying, "Mr. Speaker". When recognized, the member shall face the Speaker, address the question under debate, and avoid personalities.

27.5. The Speaker shall call to order any member who violates the rules of the House, and the member shall then immediately sit down. The Speaker shall then decide the question of order without debate, subject to an appeal to the House. The Speaker may call for the sense of the House on any question of order.

27.6. A member who is called to order while speaking shall retain the floor while the question of order is decided, and may proceed with the matter under discussion.

27.7. Any member may demand that the Clerk take down the words objected to when a member is called to order for words spoken during debate, and may ask that they be read for the information of the House.

27.8. No one shall smoke in the House chamber during any session of the House unless the Speaker permits it.

27.9. The House may censure its members for disorderly conduct or neglect of duty. The House may also, by a two-thirds vote of the total membership of the House, suspend or expel a member.

27.10. The House may establish an investigating committee pursuant to chapter 21, Hawaii Revised Statutes, for the purposes therein mentioned.

##### **RULE 28. DISCLOSURES AND PUNISHMENT OF MEMBERS**

28.1. Each member shall file with the Ethics Commission of the State of Hawaii a disclosure of his or her private financial interests, as prescribed by law. Each member shall file with the Ethics Commission any change in his or her financial interests.

28.2. If a legislative matter which affects a member's interests arises before the member has made a disclosure to the Ethics Commission, the member shall orally disclose his or her interest to the House before voting. The member then shall immediately make the written disclosure required by law and the Rules of the House.

28.3. The Speaker may appoint a special committee to investigate any member for misconduct, disorderly conduct, neglect of duty, violation of chapter 84, H.R.S., or violation of the Rules of the House. The House may punish any member found guilty by such a committee by censure, suspension or expulsion. Censure shall require the approval of a majority of the members to which the House is entitled. Suspension or expulsion shall require the approval of two-thirds of the members to which the House is entitled.

#### **PART VI. ORDER OF BUSINESS**

##### **RULE 29. ORDER OF BUSINESS: GENERAL: ORDER OF THE DAY**

29.1. The daily order of business shall be:

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

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

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

#### **RULE 30. ORDER OF BUSINESS: SPECIAL**

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

#### **RULE 31. ORDER OF BUSINESS: UNFINISHED BUSINESS; COMMITTEE REPORTS AND MESSAGES**

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

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

#### **RULE 32. ORDER OF BUSINESS: QUESTIONS OF PRIORITY**

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

### **PART VII. BILLS AND RESOLUTIONS**

#### **RULE 33. FORM: BILLS, RESOLUTIONS, AND AMENDMENTS**

33.1. All bills and resolutions to be introduced shall be submitted in the form and in the number of copies designated by the Clerk. Short form bills may be introduced. All bills and resolutions shall be dated and signed by the introducer in black ink.

33.2. Every bill introduced or reported out of any committee, which amends an existing section or subsection of the Hawaii Revised Statutes or Session Laws of Hawaii, shall set forth the section or subsection in full, and the matter to be deleted shall be enclosed in brackets and any new matter added to the section or subsection shall be underscored. However, a bill need not conform to this rule if it is (1) a Supplemental Appropriations Bill or (2) an amending bill the intent and effect of which can be clearly identified and understood without repeating the entire section or subsection, in which case only the paragraphs, subparagraphs, clauses, or items to be amended need be set forth as the Speaker may allow. The Speaker may allow additional exceptions to this rule.

33.3. No floor amendment to a bill shall be voted upon unless a copy of such amendment shall have been presented to the Clerk who shall prepare and distribute copies of the amendment to each member of the House present.

33.4. The House shall, in concurrence with the Senate, provide for the date by which all bills to be considered in a regular session shall be introduced. This date shall precede the commencement of the mandatory recess provided for by Article III, Section 10 of the Constitution of the State of Hawaii.

#### **RULE 34. BILLS: FIRST READING**

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

#### **RULE 35. BILLS: SECOND READING**

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

#### **RULE 36. BILLS: THIRD READING**

36.1. No bill shall pass third or final reading in the House unless printed copies of the bill in the form to be passed have been made available to the members of the House for at least 48 hours. Form to be passed means the form in which a bill is to be either (i) passed on third reading in the House, (ii) concurred to by the House after amendments have been made by the Senate or (iii) passed by the House after a conference committee has agreed upon it.

36.2. A bill on its third or final reading may be read by its title only and the Speaker shall then ask the House, "Shall this bill pass its third reading?" or "Shall this bill pass its final reading?" as the case may be. Such bill may be amended on its third reading. For the final passage of any bill, the Ayes and Noes shall be called or a vote shall be taken pursuant to Rule 51.3 and such passage shall require the affirmative vote of a majority of all members to which the House is entitled. The vote upon final reading shall be upon a motion that the bill pass third reading, rather than upon adoption of a committee report, so that amendments to the bill may be offered at third reading and voted upon.

36.3. The House shall not concur with substantive amendments made by the Senate to a House bill until the standing committee having primary responsibility for the subject matter contained in the bill has granted prior concurrence to such amendments as provided for under Rule 13.1.

#### **RULE 37. BILLS: RECALL FROM COMMITTEE**

37.1. Any bill that has been referred to a committee may be recalled from that committee 20 days after referral, if one-third of the members to which the House is entitled vote in favor of the recall.

37.2. No parliamentary rule or procedure may supersede the constitutional right of recall of a bill from committee.

#### **RULE 38. BILLS: CERTIFICATION**

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

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

#### **RULE 39. BILLS AND RESOLUTIONS: ORDER OF CONSIDERATION**

39.1. The Clerk shall send bills that have passed first reading to be printed immediately. When they have been printed and circulated to the members of the House, the Speaker shall refer them to the various committees. When the committees have considered them and reported on them, the committees shall return them to the Clerk, and the Clerk shall place them in the second reading file. The House shall consider them in the order in which they appear in the second reading file.

39.2. The Clerk shall arrange bills that have passed second reading in the order of their passage on second reading, regardless of the date of their reference to committee or the date of the committee report on them. The Clerk shall place them in the third reading file in the order in which they passed second reading, and the House shall consider them on third reading in that same order. However, if the third reading of a bill is set for some particular date, that bill shall be removed from the third reading file.

39.3. The Clerk shall send all resolutions, except congratulatory resolutions, to be printed. When they have been printed and circulated among the members of the House, they shall be placed on the calendar for adoption, unless the House orders otherwise.

39.4. Resolutions which are not considered at the time of introduction, if not ordered for consideration at a stated date, shall either be considered at a stated date or be referred to a committee.

#### **RULE 40. BILLS AND OTHER MATTERS: SPECIAL ORDER OF CONSIDERATION**

40.1. The Clerk shall place all bills and other matters which are to be considered on particular dates in a special file, in the order of dates assigned for their consideration, and the House shall consider them in that order.

40.2. If the House adjourns before disposing of matters on special order, those matters shall carry over to the next day's business. The House shall then consider them under "Unfinished Business" in the Order of the Day, unless the House orders otherwise.

**RULE 41. BILLS: PROPERTY OF THE HOUSE**

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

**RULE 42. BILLS: CARRYOVER BILLS**

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

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

**RULE 43. BILLS: PRE-FILING**

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

**PART VIII. PETITIONS AND COMMUNICATIONS****RULE 44. PETITIONS AND COMMUNICATIONS: PRESENTATION AND DISPOSITION**

44.1. Any person may petition the House. Petitions shall be in writing, and the petitioners shall sign them.

44.2. The Speaker shall order all petitions and communications filed or referred to a committee without any motion or vote, unless there is objection from the members. If there is objection, the Speaker shall dispose of the matter as the House directs.

44.3. Upon the request of a member, the Speaker may authorize the issuance of congratulatory certificates in the name of the House.

**PART IX. MOTIONS; DEBATE****RULE 45. MOTIONS: GENERALLY**

45.1. No motion shall be received and considered by the House until the same shall have been seconded.

45.2. After a motion is stated and determined to be in order by the Speaker, it shall be disposed of by vote of the House. However, it may be withdrawn by the movant at any time before a decision or amendment.

45.3. Whenever any question whatsoever shall be under discussion, the only permanent motions shall be:

- |         |                                |
|---------|--------------------------------|
| First:  | To lay on the table;           |
| Second: | To postpone to a certain time; |
| Third:  | To commit;                     |
| Fourth: | To amend;                      |
| Fifth:  | To postpone indefinitely;      |

which motions shall have precedence in the order named.

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

45.5. Whenever any of the first four motions mentioned above shall be decided in the negative, it shall not be revived the same calendar day in regard to the main question under discussion. If a motion to amend in a specific manner is defeated, it shall not be revived on the same calendar day.

**RULE 46. INDEFINITE POSTPONEMENT**

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

**RULE 47. MATTERS TABLED**

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

**RULE 48. MOTIONS: PREVIOUS QUESTION**

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

**RULE 49. MOTIONS: RECONSIDERATION**

49.1. When a motion has been made once and carried in the affirmative or negative, it shall not be in order for any members who voted in the minority to move for reconsideration, but any member who voted with the majority may move to reconsider it on the same or succeeding day of the session. A motion to reconsider shall take precedence over all other questions except a motion to adjourn.

49.2. The House shall not reconsider a motion to reconsider.

49.3. If the House wishes to reconsider a bill, resolution, or other matter which it already has passed or adopted and sent to the Senate, the motion to reconsider shall be accompanied by a motion to request the Senate to return the bill. The House shall act first on the motion for return of the bill, without debate. If this motion fails, it is an end of the matter, and the movant and seconder of the motion to reconsider shall withdraw their motion.

**RULE 50. DEBATE: LIMITS**

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

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

**PART X. VOTING****RULE 51. VOTING: METHODS**

51.1. There shall be five methods of ascertaining the decision of the House on any matter: first, by voice vote; second, by raising of hands; third, by standing; fourth, by call of the roll of members, each of whose votes shall be recorded by the Clerk; fifth, by unanimous consent.

51.2. When the House is ready to vote on any question, the Speaker shall rise, state the question, and ask all those who wish to vote yes on the question say "aye" in a clear, loud voice. The Speaker then shall ask all those who wish to vote no on the question say "no" likewise. The Speaker shall announce the decision of the House after the Clerk has announced the result of the voting of the House, except that the Clerk shall not announce the decision of the House after a voice vote.

51.3. With the unanimous consent of the House, the Speaker may direct the Clerk to record an aye for each member of the House. If there is no objection, the Clerk shall so record the vote. If there is objection, the Speaker shall ask for the names of the members voting no, and order the Clerk to record no votes for them. A vote shall not be recorded for any member who is not present at the time the vote is taken.

**RULE 52. VOTING: RIGHTS OF MEMBERS; RESTRICTIONS**

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

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

52.3. Any time one-fifth of the members present request it, the Clerk shall call the roll of members of the House to determine their vote on a question. Each member who wishes to vote yes on the question shall say "aye" in a loud, clear voice when his or her name is called by the Clerk. Each member who wishes to vote no on the question shall say "no" likewise.

52.4. No member shall refrain from voting unless excused by the Speaker.

52.5. The Speaker may excuse a member who has a monetary interest in the question, or whose right to a seat in the House will be affected by the question, or whose official conduct is involved in the question. If a member thinks he or she

may have such a personal interest in the question, the member shall rise and disclose the interest to the Speaker. The Speaker then shall rule whether the member has such a personal interest in the question to be excused from voting.

52.6. When voting is by roll call, no member may explain his or her vote, unless the House permits it by unanimous consent.

52.7. No member may vote or change his or her vote after the Speaker has announced the result of voting.

52.8. Any member who refused (including the "kanalua" response) three times to vote when ordered to do so will be considered to have voted aye, and the Clerk shall record an aye vote for the member.

#### **PART XI. MISCELLANEOUS**

##### **RULE 53. SUBPOENA; OATHS; WITNESS FEES**

53.1. The Speaker or any other presiding officer of the House, or every investigating committee under chapter 21, Hawaii Revised Statutes, may issue subpoenas requiring the attendance of witnesses or production of evidence in any matter before the House or its committees pursuant to chapter 21, Hawaii Revised Statutes.

53.2. Any member of the House may administer oaths to witnesses in any matter pending in the House or in any committee of the House.

53.3. Any witness subpoenaed to appear before the House or any of its committees shall receive the same witness fees and mileage allowances that the Circuit Courts of the State pay.

##### **RULE 54. PUBLIC INFORMATION**

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

##### **RULE 55. DISPOSITION OF RECORDS AT ADJOURNMENT**

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

##### **RULE 56. HOUSE MANUAL**

56.1. The House shall adopt an administrative and financial manual of guides.

56.2. After adoption, any revision to the manual shall be presented to the House unless otherwise provided in the manual.

#### **PART XII. AMENDMENT, SUSPENSION, AND INTERPRETATION OF RULES**

##### **RULE 57. RULES: AMENDMENT**

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

##### **RULE 58. SUSPENSION**

The Rules of the House may be suspended by the approval of two-thirds of the members to which the House is entitled.

##### **RULE 59. PARLIAMENTARY PRACTICE**

The most recent rules of parliamentary practice as set forth by Cushing shall govern the House, where not inconsistent with these Rules.

**APPENDIX A****ARTICLE III****THE LEGISLATURE****LEGISLATIVE POWER**

Section 1. The legislative power of the State shall be vested in a Legislature, which shall consist of two houses, a Senate and a House of Representatives. Such power shall extend to all rightful subjects of legislation and inconsistent with this Constitution or the Constitution of the United States.

**COMPOSITION OF SENATE**

Section 2. The Senate shall be composed of twenty-five members, who shall be elected by the qualified voters of the respective senatorial districts. Until the next reapportionment the senatorial districts and the number of Senators to be elected from each shall be as set forth in the Schedule.

**COMPOSITION OF HOUSE OF REPRESENTATIVES**

Section 3. The House of Representatives shall be composed of fifty-one members, who shall be elected by the qualified voters of the respective representative districts. Until the next reapportionment, the representative districts and the number of representatives to be elected from each shall be as set forth in the Schedule.

**ELECTION OF MEMBERS; TERMS**

Section 4. The members of the Legislature shall be elected at general elections. The term of office of members of the House of Representatives shall be two years beginning with their election and ending on the day of the next general election, and the term of office of members of the Senate shall be four years beginning with their election and ending on the day of the second general election after their election.

**VACANCIES**

Section 5. Any vacancy in the Legislature shall be filled for the unexpired term in such manner as may be provided by law, or, if no provision is made by law, by appointment by the Governor for the unexpired term.

**QUALIFICATIONS OF MEMBERS**

Section 6. No person shall be eligible to serve as a member of the Senate unless the person shall have been a resident of the State for not less than three years, have attained the age of majority and be a qualified voter of the senatorial district from which the person seeks to be elected. No person shall be eligible to serve as a member of the House of Representatives unless the person shall have been a resident of the State for not less than three years, have attained the age of majority and be a qualified voter of the representative district from which the person seeks to be elected.

**PRIVILEGES OF MEMBERS**

Section 7. No member of the Legislature shall be held to answer before any other tribunal for any statement made or action taken in the exercise of the member's legislative functions; and members of the Legislature shall, in all cases except felony or breach of the peace, be privileged from arrest during their attendance at the sessions of their respective houses, and in going to and returning from the same.

**DISQUALIFICATIONS OF MEMBERS**

Section 8. No member of the Legislature shall hold any other public office under the State, nor shall the member, during the term for which the member is elected or appointed, be elected or appointed to any public office or employment which have been created, or the emoluments whereof shall have been increased by legislative act during such term. The term "public offices," for the purposes of this section, shall not include notaries public, reserve police officers or officers of emergency organizations for civilian defense or disaster relief. The Legislature may prescribe further disqualifications.

**SALARY; ALLOWANCE; COMMISSION ON  
LEGISLATIVE SALARY**

Section 9. The members of the Legislature shall receive allowances reasonably related to expenses as provided by law, and a salary prescribed pursuant to this section.

There shall be a commission on legislative salary, which shall be appointed by the Governor on or before November 30, 1978, and every eight years thereafter. Not later than the fortieth legislative day of the 1979 regular legislative session and every eight years thereafter, the commission shall submit to the Legislature and the Governor recommendations for a salary plan for members of the Legislature, and then dissolve. The salary plan submitted shall become effective as provided in the plan unless the Legislature disapproves the plan by adoption of a concurrent resolution prior to adjournment sine die of the legislative session in which the plan is submitted or the Governor disapproves the plan by a

message of disapproval transmitted to the Legislature prior to such adjournment. Any change in salary which becomes effective shall not apply to the Legislature to which the recommendation for the change in salary was submitted.

### SESSIONS

Section 10. The Legislature shall convene annually in regular session at 10:00 o'clock a.m. on the third Wednesday in January.

At the written request of two-thirds of the members to which each house is entitled, the presiding officers of both houses shall convene the Legislature in special session. At the written request of two-thirds of the members of the Senate, the President of the Senate shall convene the Senate in special session for the purpose of carrying out its responsibility established by Section 3 of Article VI. The Governor may convene both houses or the Senate alone in special session.

Regular sessions shall be limited to a period of sixty days, and special sessions shall be limited to a period of thirty days. Any session may be extended a total of not more than fifteen days. Such extension shall be granted by the presiding officers of both houses at the written request of two-thirds of the members to which each house is entitled or may be granted by the Governor.

Each regular session shall be recessed for not less than five days at some period between the twentieth and fortieth days of the regular session. The Legislature may determine the dates of the mandatory recess by concurrent resolution. Any session may be recessed by concurrent resolution adopted by a majority of the members to which each house is entitled. Saturdays, Sundays, holidays, the days in mandatory recess and any days in recess pursuant to a concurrent resolution shall be used in computing the number of days of any session.

All session shall be held in the Capitol of the State. In case the Capitol shall be unsafe, the Governor may direct that any session be held at some other place.

### ADJOURNMENT

Section 11. Neither house shall adjourn during any session of the Legislature for more than three days, or sine die, without the consent of the other.

### ORGANIZATION; DISCIPLINE; RULES; PROCEDURE

Section 12. Each house shall be the judge of the elections, returns and qualifications of its own members and shall have, for misconduct, disorderly behavior or neglect of duty of any member, power to punish such member by censure or, upon a two-thirds vote of all the members to which such house is entitled, by suspension or expulsion of such member. Each house shall choose its own officers, determine the rules of its proceedings and keep a journal. The ayes and noes of the members of any question shall, at the desire of one-fifth of the members present, be entered upon the journal.

Twenty days after a bill has been referred to a committee in either house, the bill may be recalled from such committee by the affirmative vote of one-third of the members to which such house is entitled.

Every meeting of a committee in either house or of a committee comprised of a member or members from both houses held for the purpose of making decision on matters referred to the committee shall be open to the public.

By rule of its proceedings, applicable to both houses, each house shall provide for the date by which all bills to be considered in a regular session shall be introduced. This date shall be after the nineteenth day of the session and shall precede the commencement of the mandatory recess of not less than five days as provided in section 10 of this article.

### QUORUM; COMPULSORY ATTENDANCE

Section 13. A majority of the number of members to which each house is entitled shall constitute a quorum of such house for the conduct of ordinary business, of which quorum a majority vote shall suffice; but the final passage of a bill in each house shall require the vote of a majority of all the members to which such house is entitled, taken by ayes and noes and entered upon its journal. A smaller number than a quorum may adjourn from day to day and may compel the attendance of absent members in such manner and under such penalties as each house may provide.

### BILLS; ENACTMENT

Section 14. No law shall be passed except by bill. Each law shall embrace but one subject, which shall be expressed in its title. The enacting clause of each law shall be, "Be it enacted by the Legislature of the State of Hawaii."

### PASSAGE OF BILLS

Section 15. No bill shall become law unless it shall pass three readings in each house on separate days. No bill shall pass third or final reading in either house unless printed copies of the bill in the form to be passed shall have been made available to the members of that house for at least forty-eight hours.

Every bill when passed by the house in which it originated, or in which amendments thereto shall have originated, shall immediately be certified by the presiding officer and clerk and sent to the other house for consideration.

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. Before the carried-over bill is enacted, it shall pass at least one reading in the house in which the bill originated.

### APPROVAL OR VETO

Section 16. Every bill which shall have passed the Legislature shall be certified by the presiding officers and clerks of both houses and shall thereupon be presented to the Governor. If the Governor approves it, the Governor shall sign it and it shall become law. If the Governor does not approve such bill, the Governor may return it, with the Governor's objections to the Legislature. Except for items appropriated to be expended by the judicial and legislative branches, the Governor may veto any specific item or items in any bill which appropriates money for specific purposes by striking out or reducing the same; but the Governor shall veto other bills, if at all, only as a whole.

The Governor shall have ten days to consider bills presented to the Governor ten or more days before the adjournment of the legislature sine die, and if any such bill is neither signed or returned by the Governor within that time, it shall become law in like manner as if the Governor had signed it.

### RECONSIDERATION AFTER ADJOURNMENT

The Governor shall have forty-five days, after the adjournment of the Legislature sine die, to consider bills presented to the Governor less than ten days before such adjournment, or presented after adjournment, and any such bill shall become law on the forty-fifth day unless the Governor by proclamation shall have given ten days' notice to the Legislature that the Governor plans to return such bill with the Governor's objections on that day. The Legislature may convene at or before noon on the forty-fifth day in special session, without call, for the sole purpose of acting upon any such bill returned by the Governor. In case the Legislature shall fail to so convene, such bill shall not become law. Any such bill may be amended to meet the Governor's objections and, if so amended and passed, only one reading being required in each house for such passage, it shall be presented again to the Governor, but shall become law only if the Governor shall sign it within ten days after presentation.

In computing the number of days designated in this section, the following days shall be excluded: Saturdays, Sundays, holidays and any days in which the Legislature is in recess prior to its adjournment as provided in section 10 of this article.

### PROCEDURES UPON VETO

Section 17. Upon the receipt of a veto message from the Governor, each house shall enter the same at large upon its journal and proceed to reconsider the vetoed bill, or the item or items vetoed, and again vote upon such bill, or such item or items, by ayes and noes, which shall be entered upon its journal. If after such reconsideration such bill, or such item or items, shall be approved by a two-thirds vote of all members to which each house is entitled, the same shall become law.

### PUNISHMENT OF NONMEMBERS

Section 18. Each house may punish by fine, or by imprisonment not exceeding thirty days, any person not a member of either house who shall be guilty of disrespect of such house by any disorderly or contemptuous behavior in its presence or that of any committee thereof; or who shall, on account of the exercise of any legislative function, threaten harm to the body or estate of any of the members of such house; or who shall assault, arrest or detain any witness of other person ordered to attend such house, on the witness' or other person's way going to or returning therefrom; or who shall rescue any person arrested by order of such house.

Any person charged with such an offense shall be informed in writing of the charge made against the person and have opportunity to present evidence and be heard in the person's own defense.

### IMPEACHMENT

Section 19. The Governor and Lieutenant Governor, and any appointive officer for whose removal the consent of the Senate is required, may be removed from office upon conviction of impeachment for such causes as may be provided by law.

The House of Representatives shall have the sole power of impeachment of the Governor and Lieutenant Governor and the Senate the sole power to try such impeachments, and no such officer shall be convicted without the concurrence of two-thirds of the members of the Senate. When sitting for that purpose, the members of the Senate shall be on oath or affirmation and the Chief Justice shall preside. Subject to the provisions of this paragraph, the Legislature may provide for the manner and procedure of removal by impeachment of such officers.

The Legislature shall by law provide for the manner and procedure of removal by impeachment of the appointive officers.

Judgments in cases of impeachment shall not extend beyond removal from office and disqualification to hold and enjoy any office of honor, trust or profit under the State; but the person convicted may nevertheless be liable and subject to indictment, trial, judgment and punishment as provided by law.

**APPENDIX B****ARTICLE VII****TAXING POWER INALIENABLE**

Section 1. The power of taxation shall never be surrendered, suspended or contracted away.

**INCOME TAXATION**

Section 2. In enacting any law imposing a tax on or measured by income, the Legislature may define income by reference to provisions of the laws of the United States as they may be or become effective at any time or from time to time, whether retrospective or prospective in their operation. The Legislature may provide that amendments to such laws of the United States shall become the law of the State upon their becoming the law of the United States. The Legislature shall in any such law set the rate or rates of such tax. The Legislature may in so defining income make exceptions, additions or modifications to any provisions of the laws of the United States so referred to and provide for retrospective exceptions or modifications to those provisions which are retrospective.

**TAX REVIEW COMMISSION**

Section 3. There shall be a tax review commission, which shall be appointed as provided by law on or before July 1, 1980, and every five years thereafter. The commission shall submit to the Legislature an evaluation of the State's tax structure, recommend revenue and tax policy and then dissolve.

**APPROPRIATIONS FOR PRIVATE PURPOSES PROHIBITED**

Section 4. No tax shall be levied or appropriation of public money or property made, nor shall the public credit be used, directly or indirectly, except for a public purpose. No grant shall be made in violation of Section 4 of Article I of this constitution. No grant of public money or property shall be made except pursuant to standards provided by law.

**EXPENDITURE CONTROLS**

Section 5. Provision for the control of the rate of expenditures of appropriated State moneys, and for the reduction of such expenditures under prescribed conditions, shall be made by law.

No public money shall be expended except pursuant to appropriations made by law. General fund expenditures for any fiscal year shall not exceed the State's current general fund revenues and unencumbered cash balances, except when the Governor publicly declares the public health, safety or welfare is threatened as provided by law.

**DISPOSITION OF EXCESS REVENUES**

Section 6. Whenever the State general fund balance at the close of each of two successive fiscal years exceeds five percent of general fund revenues for each of the two fiscal years, the Legislature in the next regular session shall provide for a tax refund or tax credit to the taxpayers of the State, as provided by law.

**COUNCIL ON REVENUES**

Section 7. There shall be established by law a council on revenues which shall prepare revenue estimates of the State government and shall report the estimates to the Governor and the Legislature at times provided by law. The estimates shall be considered by the Governor in preparing the budget, recommending appropriations and revenues and controlling expenditures. The estimates shall be considered by the Legislature in appropriating funds and enacting revenue measures. All revenue estimates submitted by the council to the Governor and the Legislature shall be made public. If the Legislature in appropriating funds or if the Governor in preparing the budget or recommending appropriations exceeds estimated revenues due to proposed expenditures, this fact shall be made public including the reasons therefor.

**THE BUDGET**

Section 8. Within such time prior to the opening of each regular session in an odd-numbered year as may be provided by law, the Governor shall submit to the Legislature a budget in a form provided by law setting forth a complete plan of proposed expenditures of the executive branch, estimates as provided by law of the aggregate expenditures of the judicial and legislative branches, and anticipated receipts of the State for the ensuing fiscal biennium, together with such other information as the Legislature may require. A complete plan of proposed expenditures of the judicial branch for the ensuing fiscal biennium shall be submitted by the Chief Justice to the Legislature in a form and within such time prior to the opening of each regular session in an odd-numbered year as shall be provided by law. The budget prepared by the Governor and the plan of proposed expenditures prepared by the Chief Justice shall also be submitted in bill form. The Governor shall also, upon the opening of each such session, submit bills to provide for such proposed expenditures and for any recommended additional revenues or borrowings by which the proposed expenditures are to be met. The proposed general fund expenditures in the plan of proposed expenditures, including estimates of the aggregate expenditures of the judicial and legislative branches, submitted by the Governor shall not exceed the general fund expenditure ceiling established by the Legislature under section 9 of this article; provided that proposed general fund expenditures in the plan may exceed such ceiling if the Governor sets forth the dollar amount and the rate by which the ceiling will be exceeded and the reasons therefor.

**LEGISLATIVE APPROPRIATIONS; PROCEDURES;  
EXPENDITURE CEILING**

Section 9. In each regular session in an odd-numbered year, the Legislature shall transmit to the Governor an appropriation bill or bills providing for the anticipated total expenditures of the State for the ensuing fiscal biennium. In such session, no appropriation bill, except bills recommended by the Governor for immediate passage, or to cover the expenses of the Legislature, shall be passed on final reading until the bill authorizing operating expenditures for the ensuing fiscal biennium, to be known as the general appropriations bill, shall have been transmitted to the Governor.

In each regular session in an even-numbered year, at such time as may be provided by law, the Governor may submit to the Legislature a bill to amend any appropriation for operating expenditures of the current fiscal biennium, to be known as the supplemental appropriations bill, and bills to amend any appropriations for capital expenditures of the current fiscal biennium, and at the same time the Governor shall submit a bill or bills to provide for any added revenues or borrowings that such amendments may require. In each regular session in an even-numbered year, bills may be introduced in the Legislature to amend any appropriation act or bond authorization act of the current fiscal biennium or prior fiscal periods. In any such session in which the Legislature submits to the Governor a supplemental appropriations bill, no other appropriation bill, except bills recommended by the Governor for immediate passage, or to cover the expenses of the Legislature, shall be passed on final reading until such supplemental appropriations bill shall have been transmitted to the Governor.

**GENERAL FUND EXPENDITURE CEILING**

Notwithstanding any other provision to the contrary, the Legislature shall establish a general fund expenditure ceiling which shall limit the rate of growth of general fund appropriations, excluding federal funds received by the general fund, to the estimated rate of growth of the State's economy as provided by law. No appropriations in excess of such ceiling shall be authorized during any legislative session unless the Legislature shall, by a two-thirds vote of the members to which each house of the Legislature is entitled, set forth the dollar amount and the rate by which the ceiling will be exceeded and the reasons therefor.

**AUDITOR**

Section 10. The Legislature, by a majority vote of each house in joint session, shall appoint an auditor who shall serve for a period of eight years and thereafter until a successor shall have been appointed. The Legislature, by a two-thirds vote of the members in joint session, may remove the auditor from office at any time for cause. It shall be the duty of the auditor to conduct post-audits of the transactions, accounts, programs and performance of all departments, offices and agencies of the State and its political subdivisions, to certify to the accuracy of all financial statements issued by the respective accounting officers and to report the auditor's findings and recommendations to the Governor and to the Legislature at such times as shall be provided by law. The auditor shall also make such additional reports and conduct such other investigations as may be directed by the Legislature.

**LAPSING OF APPROPRIATIONS**

Section 11. All appropriations for which the source is general obligation bond funds or general funds shall be for specified periods, and no such appropriation shall be made for a period exceeding three years. Any such appropriation or any portion of any such appropriation which is unencumbered at the close of the fiscal period for which the appropriation is made shall lapse; provided that no appropriation for which the source is general obligation bond funds nor any portion of any such appropriation shall lapse if the Legislature determines such appropriation or any portion of such appropriation is necessary to qualify for federal aid financing and reimbursement. Where general obligation bonds have been authorized for an appropriation, the amount of the bond authorization shall be reduced in an amount equal to the amount lapsed.

Any appropriation for which the source is general obligation bond funds or general funds or any portion of any such appropriation which is effective on the date of ratification of this amendment and which is unencumbered on June 30, 1980, shall lapse on that date unless earlier lapsed by law; provided that no appropriation for which the source is general obligation bond funds nor any portion of any such appropriation shall lapse if the Legislature determines such appropriation or any portion of such appropriation is necessary to qualify for federal aid financing and reimbursement. Where general obligation bonds have been authorized for an appropriation, the amount of the bond authorization shall be reduced in an amount equal to the amount lapsed on June 30, 1980.

**DEFINITIONS; ISSUANCE OF INDEBTEDNESS**

Section 12. For the purposes of this article:

1. The term "bonds" shall include bonds, notes and other instruments of indebtedness.
2. The term "general obligation bonds" means all bonds for the payment of the principal and interest of which the full faith and credit of the State or a political subdivision are pledged and, unless otherwise indicated, includes reimbursable general obligation bonds.
3. The term "net revenues" or "net user tax receipts" means the revenues or receipts derived from a public undertaking, improvement or system remaining after the costs of operation, maintenance and repair of such public undertaking, improvement or system and the required payments of the principal of and interest on all revenue bonds issued therefor have been made.

4. The term "person" means an individual, firm, partnership, corporation, association, cooperative or other legal entity, governmental body or agency, board, bureau or other instrumentality thereof, or any combination of the foregoing.

5. The term "rates, rentals and charges" means all revenues and other moneys derived from the operation or lease of a public undertaking, improvement or system, or derived from any payments or return on security under a loan program or a loan thereunder.

6. The term "reimbursable general obligation bonds" means general obligation bonds issued for a public undertaking, improvement or system from which revenues, or user taxes, or a combination of both, may be derived for the payment of the principal and interest as reimbursement to the general fund and for which reimbursement is required by law, and, in the case of general obligation bonds issued by the State for a political subdivision, general obligation bonds for which the payment of the principal and interest as reimbursement to the general fund is required by law to be made from the revenue of the political subdivision.

7. The term "revenue bonds" means all bonds payable from the revenues, or user taxes, or any combination of both, of a public undertaking, improvement, system or loan program and any loan made thereunder and secured as may be provided by law.

8. The term "special purpose revenue bonds" means all bonds payable from rental or other payments made to an issuer by a person pursuant to contract and secured as may be provided by law.

9. The term "user tax" means a tax on goods or services or on the consumption thereof, the receipts of which are substantially derived from the consumption, use or sale of goods and services in the utilization of the functions or services furnished by a public undertaking, improvement or system.

The Legislature, by a majority vote of the members to which each house is entitled, shall authorize the issuance of all general obligation bonds, bonds issued under special improvement statutes and revenue bonds issued by or on behalf of the State and shall prescribe by general law the manner and procedure for such issuance. The Legislature by general law shall authorize political subdivisions to issue general obligation bonds, bonds issued under special improvement statutes and revenue bonds and shall prescribe the manner and procedure for such issuance. All such bonds issued by or on behalf of a political subdivision shall be authorized by the governing body of such political subdivision.

Special purpose revenue bonds shall only be authorized or issued to finance facilities of or for, or to loan the proceeds of such bonds to assist, manufacturing, processing or industrial enterprises, utilities serving the general public, health care facilities provided to the general public by not-for-profit corporations or low and moderate income government housing programs, each of which is hereinafter referred to in this paragraph as a special purpose entity. The Legislature, by a two-thirds vote of the members to which each house is entitled, may enact enabling legislation for the issuance of special purpose revenue bonds separately for each special purpose entity, and, by a two-thirds vote of the members to which each house is entitled and by separate legislative bill, may authorize the State to issue special purpose revenue bonds for each single project or multi-project program of each special purpose entity; provided that the issuance of such special purpose revenue bonds is found to be in the public interest by the Legislature. The Legislature may enact enabling legislation to authorize political subdivisions to issue special purpose revenue bonds. If so authorized, a political subdivision by a two-thirds vote of the members to which its governing body is entitled and by separate ordinance may authorize the issuance of special purpose revenue bonds for each single project or multi-project program of each special purpose entity; provided that the issuance of such special purpose revenue bonds is found to be in the public interest by the governing body of the political subdivision. No special purpose revenue bonds shall be secured directly or indirectly by the general credit of the issuer or by any revenues or taxes of the issuer other than receipts derived from payments by a person under contract or from any security for such contract or special purpose revenue bonds and no moneys other than such receipts shall be applied to the payment thereof. The Governor shall provide the Legislature in November of each year with a report on the cumulative amount of all special purpose revenue bonds authorized and issued, and such other information as may be necessary.

#### DEBT LIMIT; EXCLUSIONS

Section 13. General obligation bonds may be issued by the State; provided that such bonds at the time of issuance would not cause the total amount of principal and interest payable in the current or any future fiscal year, whichever is higher, on such bonds and on all outstanding general obligation bonds to exceed: a sum equal to twenty percent of the average of the general fund revenues of the State in the three fiscal years immediately preceding such issuance until June 30, 1982; and thereafter, a sum equal to eighteen and one-half percent of the average of the general fund revenues of the State in the three fiscal years immediately preceding such issuance. Effective July 1, 1980, the Legislature shall include a declaration of findings in every general law authorizing the issuance of general obligation bonds that the total amount of principal and interest, estimated for such bonds and for all bonds authorized and unissued and calculated for all bonds issued and outstanding, will not cause the debt limit to be exceeded at the time of issuance. Any bond issue by or on behalf of the State may exceed the debt limit if an emergency condition is declared to exist by the Governor and concurred to by a two-thirds vote of the members to which each house of the Legislature is entitled. For the purpose of this paragraph, general fund revenues of the State shall not include moneys received as grants from the federal government and receipts in reimbursement of any reimbursable general obligation bonds which are excluded as permitted by this section.

A sum equal to fifteen percent of the total of the assessed values for tax rate purposes of real property in each political subdivision, as determined by the last tax assessment rolls pursuant to law, is established as the limit of the funded debt of such political subdivision that is outstanding and unpaid at any time.

All general obligation bonds for a term exceeding two years shall be in serial form maturing in substantially equal installments of principal, or maturing in substantially equal installments of both principal and interest. The first

installment of principal of general obligation bonds and of reimbursable general obligation bonds shall mature not later than five years from the date of issue of such series. The last installment on general obligation bonds shall mature not later than twenty-five years from the date of such issue and the last installment on general obligation bonds sold to the federal government, on reimbursable general obligation bonds and on bonds constituting instruments of indebtedness under which the State or a political subdivision incurs a contingent liability as a guarantor shall mature not later than thirty-five years from the date of such issue. The interest and principal payments of general obligation bonds shall be a first charge on the general fund of the State or political subdivision, as the case may be.

In determining the power of the State to issue general obligation bonds or the funded debt of any political subdivision under section 12, the following shall be excluded:

1. Bonds that have matured, or that mature in the then current fiscal year, or that have been irrevocably called for redemption and the redemption date has occurred or will occur in the then fiscal year, or for the full payment of which moneys or securities have been irrevocably set aside.

2. Revenue bonds, if the issuer thereof is obligated by law to impose rates, rentals and charges for the use and services of the public undertaking, improvement or system or the benefits of a loan program or a loan thereunder or to impose a user tax, or to impose a combination of rates, rentals and charges and user tax, as the case may be, sufficient to pay the cost of operation, maintenance and repair, if any, of the public undertaking, improvement or system or the cost of maintaining a loan program or a loan thereunder and the required payments of the principal of and interest on all revenue bonds issued for the public undertaking, improvement or system or loan program, and if the issuer is obligated to deposit such revenues or tax or a combination of both into a special fund and to apply the same to such payments in the amount necessary therefor.

3. Special purpose revenue bonds, if the issuer thereof is required by law to contract with a person obligating such person to make rental or other payments to the issuer in an amount at least sufficient to make the required payment of the principal of and interest on such special purpose revenue bonds.

4. Bonds issued under special improvement statutes when the only security for such bonds is the properties benefited or improved or the assessments thereon.

5. General obligation bonds issued for assessable improvements, but only to the extent that reimbursements to the general fund for the principal and interest on such bonds are in fact made from assessment collections available therefor.

6. Reimbursable general obligation bonds issued for a public undertaking, improvement or system but only to the extent that reimbursements to the general fund are in fact made from the net revenue, or net user tax receipts, or combination of both, as determined for the immediately preceding fiscal year.

7. Reimbursable general obligation bonds issued by the State for any political subdivision, whether issued before or after the effective date of this section, but only for as long as reimbursement by the political subdivision to the State for the payment of principal and interest on such bonds is required by law; provided that in the case of bonds issued after the effective date of this section, the consent of the governing body of the political subdivision has first been obtained; and provided further that during the period that such bonds are excluded by the State, the principal amount then outstanding shall be included within the funded debt of such political subdivision.

8. Bonds constituting instruments of indebtedness under which the State or any political subdivision incurs a contingent liability as a guarantor, but only to the extent the principal amount of such bonds does not exceed seven percent of the principal amount of outstanding general obligation bonds not otherwise excluded under this section; provided that the State or political subdivision shall establish and maintain a reserve in an amount in reasonable proportion to the outstanding loans guaranteed by the State or political subdivision as provided by law.

9. Bonds issued by or on behalf of the State or by any political subdivision to meet appropriations for any fiscal period in anticipation of the collection of revenues for such period or to meet casual deficits or failures of revenue, if required to be paid within one year, and bonds issued by or on behalf of the State to suppress insurrection, to repel invasion, to defend the State in war or to meet emergencies caused by disaster or act of God.

The total outstanding indebtedness of the State or funded debt of any political subdivision and the exclusions therefrom permitted by this section shall be made annually and certified by law or as provided by law. For the purposes of section 12 and this section, amounts received from on-street parking may be considered and treated as revenues of a parking undertaking.

Nothing in section 12 or in this section shall prevent the refunding of any bond at any time.