

DRAFT PROPOSED HOUSE RULES (2023)

Commission to Improve Standards of Conduct
10.26.2022

Current HOUSE Rules Conflicts of Interest	Draft HOUSE Proposed Rules Redlined Against Current	Draft HOUSE Proposed Rules Clean
<p>HOUSE Rule 62.5: If the member has a conflict of interest in legislation, the member shall disclose to the presiding officer (the committee chair or the Speaker, depending on where the vote is taking place) the conflict of interest prior to voting on that legislation. For the purposes of this rule, a "conflict of interest" means that the legislation affects the member's direct personal, familial, or financial interest except if the member, or the member's relative, is part of a class of people affected by the legislation.</p>	<p>HOUSE Rule 62.5: If the member has a conflict of interest in legislation, the member shall disclose to the presiding officer (the committee chair or the Speaker, depending on where the vote is taking place) the conflict of interest prior to voting on that legislation.</p> <p><u>No member shall vote on, support or oppose, make recommendations on, or discuss or debate, or take other official action on any question or legislation if the member has a conflict of interest in the question or legislation.</u></p> <p>For the purposes of this rule, a "conflict of interest" means that the legislative matter <u>matter</u> affects the member's direct personal, familial, or financial interest <u>in favor of the member except if unless the conflict is general and applies to a broad member, or the member's relative, is part of a</u> class of people affected by the legislation.</p> <p><u>"Conflict of interest" is defined broadly to to encompass a variety of situations in which any private interest of a member, or of the</u></p>	<p>HOUSE Rule 62.5: No member shall vote on, support or oppose, make recommendations on, discuss or debate, or take other official action on any question or legislation if the member has a conflict of interest in the question or legislation.</p> <p>For the purposes of this rule, a "conflict of interest" means that the legislative matter affects the member's personal, familial, business, property, or financial interest in favor of the member, unless the conflict is general and applies to a broad class of people affected by the legislation.</p> <p>"Conflict of interest" is defined broadly to to encompass a variety of situations in which any private interest of a member, or of the member's business associate or immediate family member, is or could reasonably be in direct conflict with the member's duty to act in the public interest, including the following:</p> <ol style="list-style-type: none"> 1. Any situation in which a familial, business, property, or financial interest would be affected by the member's official legislative action, excluding incidental or nominal gain or detriment;

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member's business associate or immediate family member, is or could reasonably be in direct conflict with the member's duty to act in the public interest, including the following:

1. Any situation in which a familial, business, property, or financial interest would be affected by the member's official legislative action, excluding incidental or nominal gain or detriment;
2. Any situation involving personal, political, legal, reputational, or other issues which would cause a reasonable person with knowledge of relevant facts to question either the member's impartiality in the matter, or the member's ability to exercise official legislative action in a fair, unbiased, and objective manner;
3. Any situation in which a member's official legislative action would affect a lobbying organization or lobbyist with which the member was employed or received any personal compensation from during the previous five years.
4. Any situation in which a member's official legislative action would affect a business or undertaking in which the

2. Any situation involving personal, political, legal, reputational, or other issues which would cause a reasonable person with knowledge of relevant facts to question either the member's impartiality in the matter, or the member's ability to exercise official legislative action in a fair, unbiased, and objective manner;
3. Any situation in which a member's official legislative action would affect a lobbying organization or lobbyist with which the member was employed or received any personal compensation from during the previous five years.
4. Any situation in which a member's official legislative action would affect a business or undertaking in which the member holds or held an interest during the previous three years, including a private undertaking in which the member is or was engaged as legal counsel, advisor, consultant, representative or other agency capacity.
5. Any situation in which a member's official legislative action would affect a person or agency that has investigated any issue relating to the member in the prior two years, if the investigation found improper conduct on the part of the member, unless the member's action

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member holds or held an interest during the previous three years, including a private undertaking in which the member is or was engaged as legal counsel, advisor, consultant, representative or other agency capacity.

5. Any situation in which a member's official legislative action would affect a person or agency that has investigated any issue relating to the member in the prior two years[, if the investigation found improper conduct on the part of the member, unless the member's action would be favorable to the investigating person or agency].

6. Any situation in which a member's business associate or close relative accepts a [significant] gift from any person or entity whose financial interest would be affected by pending legislative action or inaction, and the member knows or reasonably should know that the person or entity's intent in making the gift is to influence the member in the performance of the member's official legislative duties or is intended as a reward for action or inaction taken by the member;

7. Any situation in which public confidence in government would be substantially eroded by the member's official

would be favorable to the investigating person or agency.

6. Any situation in which a member's business associate or close relative accepts a gift from any person or entity whose financial interest would be affected by pending legislative action or inaction, and the member knows or reasonably should know that the person or entity's intent in making the gift is to influence the member in the performance of the member's official legislative duties or is intended as a reward for action or inaction taken by the member;

7. Any situation in which public confidence in government would be substantially eroded by the member's official legislative action affecting a personal interest, including action designed to intimidate or retaliate.

"Immediate family member" means a parent, child, grandparent, grandchild, sibling, spouse, partner, or household member.

"Business associate" means an owner, employee, contractor, or other agent of a professional firm, partnership, or other business from which the member or the member's immediate family member receives

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	<p><u>legislative action affecting a personal interest, including action designed to intimidate or retaliate.</u></p> <p><u>“Immediate family member” means a parent, child, grandparent, grandchild, sibling, spouse, partner, or household member.</u></p> <p><u>“Business associate” means an owner, employee, contractor, or other agent of a professional firm, partnership, or other business from which the member or the member’s immediate family member receives compensation or owns.</u></p>	<p>compensation or owns.</p>
<p>HOUSE Rule 62.6. If a member is uncertain as to whether a conflict of interest exists, the member may request a ruling from the presiding officer by giving notice and disclosing the direct financial interest to the presiding officer prior to voting.</p> <p>When making a determination in cases where a portion of a measure may place a member in a conflict of interest, the presiding officer shall give due consideration to the context of that portion as it relates to the overall purpose of the measure.</p>	<p>HOUSE Rule 62.6 If a member is uncertain as to whether a conflict of interest exists, the member <u>shall preliminarily recuse themselves from voting, but</u> may request a ruling from the presiding officer <u>(the Speaker or committee chair, as the case may be)</u> by giving notice and disclosing the <u>conflict of direct financial</u> interest to the presiding officer <u>in sufficient detail for the presiding officer to make an informed ruling</u> prior to voting.</p> <p>When making a determination in cases where a portion of a measure may place a member in a conflict of interest, the</p>	<p>HOUSE Rule 62.6: If a member is uncertain as to whether a conflict of interest exists, the member shall preliminarily recuse themselves from voting, but may request a ruling from the presiding officer (the Speaker or committee chair, as the case may be) by giving notice and disclosing the conflict of interest to the presiding officer in sufficient detail for the presiding officer to make an informed ruling prior to voting.</p> <p>When making a determination in cases where a portion of a measure may place a member in a conflict of interest, the presiding officer and voting members shall give due consideration to the context of that portion as it relates to the</p>

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<p>If the presiding officer determines that a conflict exists, the presiding officer shall recognize the conflict and honor the member's request to be excused from discussion, debate, and voting.</p>	<p>presiding officer and voting members shall give due consideration to the context of that portion as it relates to the overall purpose of the measure.</p> <p>If the presiding officer determines that a conflict exists, the presiding officer shall excuse the member recognize the conflict and honor the member's request to be excused from discussion, debate, and voting.</p> <p><u>If the presiding officer determines that no conflict exists, the matter will be presented to the floor (or committee), and if two-thirds of the voting members agree, the member shall be allowed to participate in discussion, debate, and voting. Members who have a conflict or possible conflict with respect to voting on the status of another member's conflict shall recuse themselves from that vote without further recourse.</u></p>	<p>overall purpose of the measure.</p> <p>If the presiding officer determines that a conflict exists, the presiding officer shall excuse the member from discussion, debate, and voting.</p> <p>If the presiding officer determines that no conflict exists, the matter will be presented to the floor (or committee), and if two-thirds of the voting members agree, the member shall be allowed to participate in discussion, debate, and voting. Members who have a conflict or possible conflict with respect to voting on the status of another member's conflict shall recuse themselves from that vote without further recourse.</p>
<p>Current HOUSE Rule Disclosures</p>	<p>Draft Proposed HOUSE Rule Redlined Against Current</p>	<p>Draft Proposed HOUSE Rule Clean</p>
<p>HOUSE Rule 29. Disclosures and Punishment of Members</p> <p>29.1. Each member shall file with the Ethics Commission of the State of Hawaii a disclosure of his or her</p>	<p>HOUSE Rule 29. Disclosures and Punishment of Members</p> <p>29.1. Each member shall file with the Ethics Commission of the State of Hawaii a disclosure of his or her private financial</p>	<p>HOUSE Rule 29. Disclosures and Punishment of Members</p> <p>29.1. Each member shall file with the Ethics Commission of the State of Hawaii a disclosure of his or her private financial interests, as</p>

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<p>private financial interests, as prescribed by law. Each member shall file with the Ethics Commission any change in his or her financial interests.</p> <p>29.2. If a legislative matter which affects a member's interests arises before the member has made a disclosure to the Ethics Commission, the member shall orally disclose his or her interest to the House before voting. The member then shall immediately make the written disclosure required by law and these Rules.</p> <p>29.3. In accordance with Rule 60.7, the Speaker shall appoint a Select Committee on Standards of Conduct to receive complaints and investigate any member for misconduct, disorderly conduct, neglect of duty, violation of chapter 84, Hawaii Revised Statutes, or violation of these Rules. The House may punish any member found guilty by such a committee by censure, suspension, or expulsion. Censure shall require the approval of a majority of the members to which the House is entitled. Suspension or expulsion shall</p>	<p>interests, as prescribed by law. Each member shall file with the Ethics Commission any change in his or hersuch financial interests.</p> <p>29.2. 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 orally his or her such interest to the House before prior to voting and recuse themselves from voting, <u>with the option to request a ruling in accordance with Rule 62.6.</u> The member then shall immediately make the written disclosure required by law and these Rules.</p> <p><u>Any member who has filed a disclosure as required by this Rule need not make a further oral disclosure on the House floor of any interest so filed, unless the disclosed financial interest presents a conflict as defined in Rule 62.5.</u></p> <p>29.3. In accordance with Rule 6062.7, the Speaker shall appoint a Select Committee on Standards of Conduct to receive complaints and investigate any member for misconduct, disorderly conduct,</p>	<p>prescribed by law. Each member shall file with the Ethics Commission any change in such financial interests.</p> <p>29.2. 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 disclose orally such interest to the House prior to voting and recuse themselves from voting, with the option to request a ruling in accordance with Rule 62.6. The member then shall immediately make the written disclosure required by law and these Rules.</p> <p>Any member who has filed a disclosure as required by this Rule need not make a further oral disclosure on the House floor of any interest so filed, unless the disclosed financial interest presents a conflict as defined in Rule 62.5.</p> <p>29.3. In accordance with Rule 62.7, the Speaker shall appoint a Select Committee on Standards of Conduct to receive complaints and investigate any member for misconduct, disorderly conduct, neglect of duty, violation of chapter 84, Hawaii Revised Statutes, or violation of these Rules. The House may punish any member found guilty by such a committee by censure, suspension, or expulsion. Censure shall require the approval of a majority of the members to which the House is</p>
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<p>require the approval of two-thirds of the members to which the House is entitled.</p>	<p>neglect of duty, violation of chapter 84, Hawaii Revised Statutes, or violation of these Rules. The House may punish any member found guilty by such a committee by censure, suspension, or expulsion. Censure shall require the approval of a majority of the members to which the House is entitled. Suspension or expulsion shall require the approval of two-thirds of the members to which the House is entitled.</p>	<p>entitled. Suspension or expulsion shall require the approval of two-thirds of the members to which the House is entitled.</p>
<p>Current HOUSE Rule Voting: Rights of Members</p>	<p>Draft Proposed HOUSE Rule Redlined Against Current</p>	<p>N/A</p>
<p><i>[No current HOUSE Rule]</i></p>	<p><u>HOUSE Rule 62.12</u></p> <p>(1) <u>No member, on any account, shall refrain from voting unless excused by the presiding officer (the Speaker of a committee chair, as the case may be).</u></p> <p>(2) <u>The presiding officer shall excuse a member who has a conflict of 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 there may be a personal interest in</u></p>	<p>HOUSE Rule 62.12</p> <p>(1) No member, on any account, shall refrain from voting unless excused by the presiding officer (the Speaker of a committee chair, as the case may be).</p> <p>(2) The presiding officer shall excuse a member who has a conflict of 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 there may be a personal interest in the question, then prior to voting, the</p>

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the question, then prior to voting, the member shall rise and disclose the interest to the presiding officer.

Alternatively, any member may state their reasonable belief that another member may have such an interest and provide information supporting this belief. The presiding officer then shall rule whether the member has a conflict of interest. If so, the member shall be excused from voting.

For the purposes of this rule, a “conflict of interest” has the same meaning as defined in Rule 62.5.

(3) If the presiding officer finds no conflict of interest, or it is uncertain whether a member has a conflict of interest in the question, there shall be a determination in accordance with Rule 62.6.

(4) If quorum required for any vote is not achieved due to members recusing themselves based on a conflict of interest, each such recused member shall nonetheless be required to vote. Prior to, or within one week of, the vote, the member shall present to the voting body a detailed written explanation of the specific facts describing his or her conflict of interest,

member shall rise and disclose the interest to the presiding officer. Alternatively, any member may state their reasonable belief that another member may have such an interest and provide information supporting this belief. The presiding officer then shall rule whether the member has a conflict of interest. If so, the member shall be excused from voting.

For the purposes of this rule, a “conflict of interest” has the same meaning as defined in Rule 62.5.

(3) If the presiding officer finds no conflict of interest, or it is uncertain whether a member has a conflict of interest in the question, there shall be a determination in accordance with Rule 62.6.

(4) If quorum required for any vote is not achieved due to members recusing themselves based on a conflict of interest, each such recused member shall nonetheless be required to vote. Prior to, or within one week of, the vote, the member shall present to the voting body a detailed written explanation of the specific facts describing his or her conflict of interest, which shall be recorded in the Journal of the House and posted on the House website until the next legislative biennium.

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	<u>which shall be recorded in the Journal of the House and posted on the House website until the next legislative biennium.</u>	
Current HOUSE Rules Standards of Conduct	N/A	N/A
<p>HOUSE Rules 62.1 - 62.4</p> <p><i>[No change; Senate Rule amended to conform]</i></p> <p>62.1. Members should conduct themselves in a respectful manner befitting the office with which they as elected officials have been entrusted, respecting and complying with the law and acting at all times in a manner that promotes public confidence in the integrity of the House.</p> <p>62.2. Members should not lend the prestige of public office to advance the private interests of themselves or others; nor should members convey or permit others to convey the impression that they are in a special position to unduly influence public business pending before them.</p>		

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<p>62.3. Members should treat their fellow House members, staff, and the general public with respect and courtesy, regardless of political or religious beliefs, age, race, ethnicity, sex, sexual orientation, gender identity or expression, or physical disability.</p> <p>62.4 The legislative duties of members, as prescribed by law and these Rules, should take precedence over all of their other business or professional activities. Members should freely and willingly accept certain restrictions on their business activities and professional conduct that might be considered burdensome by an ordinary private citizen, and should perform the duties of elected office impartially and diligently. To the greatest extent reasonably possible, members should:</p> <p>(1) Refrain from allowing family, social, business, or other relationships to unduly influence the member's legislative conduct or judgment;</p> <p>(2) Refrain from showing bias or prejudice, including but not limited to bias or prejudice based on political or</p>		
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<p>religious beliefs, age, race, ethnicity, sex, sexual orientation, gender identity or expression, or physical disability, in the performance of their official duties;</p> <p>(3) Exercise patience, tolerance, and courtesy to all those with whom they deal with in an official capacity, and require staff and others subject to their direction and control to maintain similar standards of conduct, fidelity, and diligence inherent in public service;</p> <p>(4) Exercise the power of appointment impartially and on the basis of merit, refraining from making unnecessary appointments and approving compensation of appointees beyond the fair value of services rendered;</p> <p>(5) Afford to every person who wishes to participate in the legislative process the opportunity to be heard according to established procedures;</p> <p>(6) Consider at all times whether their conduct would create in reasonable minds the perception that their ability to carry out legislative responsibilities with integrity and independence is</p>		
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<p>either questionable or impaired;</p> <p>(7) Manage their personal interests and obligations so as to minimize the number of votes in which they are in, or may reasonably be perceived to be in, potential conflict;</p> <p>(8) Refrain from using, or permitting the use of, the privileges and prestige of their public office to derive undue personal, professional, or financial benefits for themselves, members of their family, or others with whom they maintain personal, business, or professional relationships;</p> <p>(9) Refrain from engaging in financial and business dealings that involve them in frequent transactions, or continuing business or professional relationships, with those persons likely to derive benefits from public financial matters either pending or already deliberated and voted upon by the House, to the extent that such conduct may reasonably be perceived as personal exploitation of their public office; and</p>		
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<p>(10) Refrain from membership in an organization that practices invidious discrimination and gives rise to perceptions that one's impartiality and ability to serve as a representative are unduly compromised.</p>		
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