

---

---

## HOUSE RESOLUTION

AMENDING THE RULES OF THE HOUSE OF REPRESENTATIVES OF THE  
THIRTY-SECOND LEGISLATURE OF THE STATE OF HAWAII.

1 BE IT RESOLVED by the House of Representatives of the  
2 Thirty-second Legislature of the State of Hawaii, Regular  
3 Session of 2023, that the Rules of the House of Representatives  
4 be amended by adding a new House Rule to read as follows:

5  
6 **"Rule 62.12**

7  
8 (1) No member, on any account, shall refrain from voting  
9 unless excused by the presiding officer (the Speaker  
10 or a committee chair, as the case may be).

11  
12 (2) The presiding officer shall excuse a member who has a  
13 conflict of interest in the question, or whose right  
14 to a seat in the House will be affected by the  
15 question, or whose official conduct is involved in the  
16 question. If a member thinks there may be a personal  
17 interest in the question, then prior to voting, the  
18 member shall rise and disclose the interest to the  
19 presiding officer. Alternatively, any member may  
20 state their reasonable belief that another member may  
21 have such an interest and provide information  
22 supporting this belief. The presiding officer then  
23 shall rule whether the member has a conflict of  
24 interest. If so, the member shall be excused from  
25 voting.

26  
27 (3) If the presiding officer finds no conflict of  
28 interest, or it is uncertain whether a member has a  
29 conflict of interest in the question, there shall be a  
30 determination in accordance with Rule 62.6.



# H.R. NO. 7

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40

(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 the member's conflict of interest, which shall be recorded in the Journal of the House of Representatives and posted on the House website until the next legislative biennium.

For the purposes of this rule, a "conflict of interest" has the same meaning as defined in Rule 62.5."; and

BE IT FURTHER RESOLVED that the Rules of the House of Representatives be amended by amending House Rule 29 Disclosures and Punishment of Members to read as follows:

**"Rule 29. Disclosures and Punishment of Members**

**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 prescribed by law. Each member shall file with the Ethics Commission any change in [~~his or her~~] such financial interests.

**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~~] orally such interest to the House [~~before~~] 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.

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



# H.R. NO. 7

filed, unless the disclosed financial interest presents a conflict as defined in Rule 62.5

**29.3** In accordance with Rule [~~60.7,~~] 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 entitled. Suspension or expulsion shall require the approval of two-thirds of the members to which the House is entitled."; and

BE IT FURTHER RESOLVED that the Rules of the House of Representatives be amended by amending House Rule 62.5 to read as follows:

**"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.]~~ 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.

"Conflict of interest" is defined broadly 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



# H.R. NO. 7

1 direct conflict with the member's duty to act in the  
2 public interest, including the following:

3  
4 (A) Any situation in which a familial, business,  
5 property, or financial interest would be affected  
6 by the member's official legislative action,  
7 excluding incidental or nominal gain or  
8 detriment;

9  
10 (B) Any situation involving personal, political,  
11 legal, reputational, or other issues that would  
12 cause a reasonable person with knowledge of  
13 relevant facts to question either the member's  
14 impartiality in the matter or the member's  
15 ability to exercise official legislative action  
16 in a fair, unbiased, and objective manner;

17  
18 (C) Any situation in which a member's official  
19 legislative action would affect a lobbying  
20 organization or lobbyist with which the member  
21 was employed or received any personal  
22 compensation from during the previous five years;

23  
24 (D) Any situation in which a member's official  
25 legislative action would affect a business or  
26 undertaking in which the member holds or held an  
27 interest during the previous three years,  
28 including a private undertaking in which the  
29 member is or was engaged as legal counsel,  
30 advisor, consultant, representative, or other  
31 agency capacity;

32  
33 (E) Any situation in which a member's official  
34 legislative action would affect a person or  
35 agency that has investigated any issue relating  
36 to the member in the prior two years, if the  
37 investigation found improper conduct on the part  
38 of the member, unless the member's actions would  
39 be favorable to the investigating person or  
40 agency;  
41



1           (F) Any situation in which a member's business  
2           associate or immediate family member accepts a  
3           significant gift from any person or entity whose  
4           financial interest would be affected by pending  
5           legislative action or inaction, and the member  
6           knows or reasonably should know that the person  
7           or entity's intent in making the gift is to  
8           influence the member in the performance of the  
9           member's official legislative duties or is  
10           intended as a reward for any action or inaction  
11           taken by the member; and

12  
13           (G) Any situation in which public confidence in  
14           government would be substantially eroded by the  
15           member's official legislative action affecting a  
16           personal interest, including action designed to  
17           intimidate or retaliate.

18  
19           For the purposes of this rule:

20  
21           "Business associate" means an owner, employee,  
22           contractor, or other agent of a professional firm,  
23           partnership, or other business from which the member  
24           or the member's immediate family member receives

25  
26           "Immediate family member" means a parent, child,  
27           grandparent, grandchild, sibling, spouse, partner, or  
28           household member."; and

29  
30           BE IT FURTHER RESOLVED that the Rules of the House of  
31 Representatives be amended by amending House Rule 62.6 to read  
32 as follows:

33  
34           **"62.6** If a member is uncertain as to whether a conflict of  
35           interest exists, the member shall preliminarily recuse  
36           themselves from voting, but may request a ruling from  
37           the presiding officer (the Speaker or committee chair,  
38           as the case may be) by giving notice and disclosing  
39           the [~~direct financial~~] conflict of interest to the  
40           presiding officer in sufficient detail for the  
41           presiding officer to make an informed ruling prior to



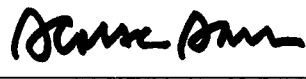
# H.R. NO. 7

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

voting. When making a determination in cases where a portion of a measure may place a member in a conflict of interest, the presiding officer shall give due consideration to the context of that portion as it relates to the overall purpose of the measure. If the presiding officer determines that a conflict exists, the presiding officer shall [~~recognize the conflict and honor the member's request to be excused~~] excuse the member from discussion, debate, and voting.

If the presiding officer determines that no conflict exists, the matter shall be presented to the floor or committee, as appropriate, 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."; and

BE IT FURTHER RESOLVED that new language for rules added to the Rules of the House of Representatives is underscored and repealed language of the Rules of the House of Representatives is bracketed and stricken.

OFFERED BY: 

JAN 24 2023

