

IN THE HOUSE OF REPRESENTATIVES

HOUSE RESOLUTION NO. 5

BY WAYS AND MEANS COMMITTEE

A HOUSE RESOLUTION

1 STATING FINDINGS OF THE HOUSE OF REPRESENTATIVES AND PROVIDING FOR THE
2 AMENDMENT OF HOUSE RULES 1 THROUGH 79 OF THE RULES OF THE HOUSE OF REP-
3 REPRESENTATIVES TO REDESIGNATE THE HOUSE RULE NUMBERS, PROVIDING FOR THE
4 AMENDMENT OF HOUSE RULE 15 OF THE RULES OF THE HOUSE OF REPRESENTATIVES
5 TO PROVIDE A CORRECT HOUSE RULE REFERENCE, PROVIDING FOR THE AMENDMENT
6 OF HOUSE RULE 36 OF THE RULES OF THE HOUSE OF REPRESENTATIVES TO PROVIDE
7 A CORRECT HOUSE RULE REFERENCE, PROVIDING FOR THE AMENDMENT OF HOUSE
8 RULE 38 OF THE RULES OF THE HOUSE OF REPRESENTATIVES TO PROVIDE A CORRECT
9 HOUSE RULE REFERENCE, PROVIDING FOR THE AMENDMENT OF HOUSE RULE 51 OF
10 THE RULES OF THE HOUSE OF REPRESENTATIVES TO PROVIDE A CORRECT HOUSE
11 RULE REFERENCE, PROVIDING FOR THE AMENDMENT OF HOUSE RULE 57 OF THE
12 RULES OF THE HOUSE OF REPRESENTATIVES TO PROVIDE A CORRECT HOUSE RULE
13 REFERENCE, PROVIDING FOR THE AMENDMENT OF HOUSE RULE 64 OF THE RULES
14 OF THE HOUSE OF REPRESENTATIVES TO REMOVE PROVISIONS REGARDING PUBLIC
15 RECORDS REQUESTS, PROVIDING FOR THE AMENDMENT OF HOUSE RULE 69 OF THE
16 RULES OF THE HOUSE OF REPRESENTATIVES TO PROVIDE A CORRECT HOUSE RULE
17 REFERENCE, PROVIDING FOR THE AMENDMENT OF HOUSE RULE 76 OF THE RULES OF
18 THE HOUSE OF REPRESENTATIVES TO PROVIDE A CORRECT HOUSE RULE REFERENCE,
19 AND PROVIDING FOR THE ADDITION OF A NEW RULE 66 TO THE RULES OF THE HOUSE
20 OF REPRESENTATIVES TO PROVIDE FOR PUBLIC RECORDS REQUESTS.
21

22 Be It Resolved by the House of Representatives of the State of Idaho:

23 WHEREAS, the House of Representatives deems it necessary and desirable
24 that the Rules of the House of Representatives be amended.

25 NOW, THEREFORE, BE IT RESOLVED by the members of the House of Represen-
26 tatives, assembled in the First Regular Session of the Sixty-fifth Idaho
27 Legislature, that the Rules of the House of Representatives shall be amended
28 to read as follows:

29 RULE 135

30 Opening Hour. -- The hour of the daily meeting of the House shall be
31 11:00 o'clock in the forenoon, unless the House directs otherwise.

32 RULE 236

33 Call to Order. -- The Speaker shall take the Chair at the time to which
34 the House stands adjourned, and after the call to order, the roll of members
35 shall be taken and the names of absentees entered on the Journal of the House,
36 after which there shall be prayer by the Chaplain.

37 RULE 363

38 House Chamber and Spaces, Regulation of -- 1) Preserving Order. - The
39 Speaker shall preserve order and decorum and decide questions of order, sub-
40 ject to an appeal to the House.

1 2) Supervision of Legislative areas - It is the duty of the Speaker to
2 have general charge and supervision of the House floor, chamber, galleries,
3 office spaces, committee rooms, adjoining and connecting hallways and pas-
4 sages; and to oversee decorum and preserve order therein.

5 RULE 460

6 Order of Business. -- After calling the House to order, the order of
7 business for the day shall be as follows:

- 8 1. Roll Call.
- 9 2. Prayer by the Chaplain, followed by the Pledge of Allegiance.
- 10 3. Approval of Journal.
- 11 4. Consideration of messages from the Governor and the Senate.
- 12 5. Report of standing committees.
- 13 6. Report of select committees.
- 14 7. Motions, memorials and resolutions.
- 15 8. Introduction, first reading and reference of bills and joint
16 resolutions.
- 17 9. First reading of engrossed bills.
- 18 10. Second reading of bills and joint resolutions.
- 19 11. Third reading of bills and joint resolutions.
- 20 12. Consideration of general orders.
- 21 13. Miscellaneous and unfinished business.
- 22 14. Presentation of petitions and communications.
- 23 15. Announcements.
- 24 16. Adjournment.

25 RULE 569

26 Absence, Disability or Death of Speaker. -- The Speaker may leave the
27 Chair and appoint a member to preside, but not for a longer time than one leg-
28 islative day, except with the approval of the House. In the event of the tem-
29 porary absence of the Speaker without having made such an appointment, the
30 House shall proceed to elect a Speaker pro tempore to act during his absence.
31 In the event of the Speaker's death, resignation, or inability to act during
32 a legislative session, the House shall proceed to elect a new Speaker. In the
33 event of the Speaker's death, resignation, or inability to act between leg-
34 islative sessions, the House Majority Leader (and in the event of his death,
35 resignation, or inability to act as Speaker, the House Assistant Majority
36 Leader) shall act as Speaker, with all of the duties, powers and prerogatives
37 of the office, to serve until the next session of the Legislature, at which
38 time a new Speaker shall be elected.

39 RULE 668

40 Leave of Absence. -- No member or officer of the House, unless from ill-
41 ness or other cause which makes him unable to be in attendance shall absent
42 himself from the session of the House during the entire day without first
43 having obtained leave of absence from the Speaker of the House; provided,

1 however, that no regular or Special Committee of the House shall be absent
 2 for more than one day without authorization from the House. Such authoriza-
 3 tion shall be by affirmative action on a resolution approving absence.

4 No member or officer of the House shall be entitled to the unvouchered
 5 expense allowance while absent more than one day without leave.

6 RULE 718

7 Call of the House. -- One-third of the members present may order a call
 8 of the House in the following manner:

9 A call being moved and seconded, the Speaker shall require those desir-
 10 ing a call to rise, and if one-third of the members present shall rise, there
 11 shall be a call of the House. A call of the House being ordered, the Sergeant
 12 at Arms shall close and lock the doors and no member shall be allowed to leave
 13 the Chamber. The Speaker shall immediately cause the roll of the members to
 14 be taken and note the absentees whose names shall be read and entered upon the
 15 Journal in such manner as to show who are absent with leave and who are absent
 16 without leave, and the Sergeant at Arms shall proceed to bring in such absen-
 17 tees; but arrest of members of absence shall not be made unless ordered by a
 18 majority of members present.

19 While the House is under call, no business shall be transacted except
 20 to receive and act on the report of the Sergeant at Arms, and no other mo-
 21 tion shall be in order except a motion to suspend further proceedings under
 22 the call or to excuse absentees, which motion shall be determined by ayes and
 23 nays; and the motion to suspend further proceedings under the call or to ex-
 24 cuse members shall not be adopted unless a majority of the entire membership
 25 vote in favor thereof.

26 When the Sergeant at Arms will make a report showing that all who were
 27 absent without leave are present, the call of the House may be dispensed with
 28 or the House may proceed under the call on a majority vote of the entire mem-
 29 bership, with its regular business.

30 No motion for call of the House shall be entered after the House has com-
 31 menced voting by ayes and nays.

32 The form of warrant for the arrest of absent members shall be as follows:

33 _____ Session

34 IDAHO LEGISLATURE

35 In the House of Representatives

36 To the Sergeant at Arms or his Deputies:

37 WHEREAS, The House of Representatives has adopted the following order:
 38 That the Sergeant at Arms take into custody and bring to the bar of the House
 39 such of its members as are found absent without leave of the House; and

40 WHEREAS, The following named members of the House are absent without
 41 leave, to-wit:

42 (Names of Members)

43 Now, Therefore, I _____, Speaker of the _____ Session of
 44 the House of Representatives of the Idaho State Legislature, by virtue of the
 45 power vested in me by the House, hereby command you to execute the said order
 46 of the House, by taking into custody and bringing to the bar of the House said
 47 above named members who are absent without leave; hereof fail not, and make
 48 due return in what manner you executed the same.

1 In Witness Whereof, I have hereunto set my hand this ___ day of ___, 20__.

2 _____
3 Speaker

4 Attest:

5 _____
6 Chief Clerk

7 RULE 812

8 Petitions, Memorials, Etc. -- Petitions, memorials, and other papers
9 addressed to the House shall be presented by the Speaker.

10 RULE 921

11 Calendar. -- (1) The Speaker shall cause the Clerk of the House to make a
12 list of all bills, memorials, resolutions, reports of committees and other
13 proceedings of the House, which are committed to a Committee of the Whole
14 House for amendment, and which are not made the order of the day for any par-
15 ticular day. Such list shall be called the "General Orders of the Day," and
16 items on the General Orders Calendar shall be taken up in the order in which
17 they are committed, unless otherwise ordered by the House by majority vote of
18 the members present.

19 (2) The Speaker shall cause the Clerk of the House to make a list of all
20 bills, memorials and resolutions which may be on second reading, entering
21 them in order in which they are placed upon their second reading, unless the
22 House shall otherwise direct by majority vote of the members present, which
23 list shall be called the "Second Reading Calendar."

24 (3) The Speaker shall cause the Clerk of the House to make a list of all
25 bills, memorials and resolutions which may be on third reading, entering
26 them in order in which they are placed upon their third reading, unless the
27 House shall otherwise direct by majority vote of the members present, which
28 list shall be called the "Third Reading Calendar."

29 (4) The Clerk shall keep a book showing the situation and progress of
30 bills, memorials, and resolutions.

31 RULE 1075

32 Standard Rules. -- The rules of parliamentary practice set forth in Ma-
33 son's Manual of Legislative Procedures shall govern the House in all cases
34 to which they are applicable, and in which they are not inconsistent with the
35 Standard Rules and Orders of the House and the Joint Rules and Orders of the
36 Senate and House of Representatives.

37 RULE 1177

38 Adoption and Amendment of Rules. -- Adoption of the rules of the House,
39 whether temporary or permanent, will be by a majority vote of the entire mem-
40 bership of the House. No rules of the House, temporary or permanent, shall be
41 suspended, altered, or amended without the concurrence of two-thirds of the
42 entire membership of the House.

1 RULE 1242

2 Floor, to Obtain. -- Every member desiring to state or second a motion,
3 or to address the House, shall rise from his seat and respectfully address
4 the Chair, and remain standing in his place before proceeding to speak until
5 he is recognized by the Chair.

6 RULE 1351

7 Motions, Submission of. -- No motion requiring a second shall be de-
8 bated or put unless the same be seconded. Each motion shall be stated by the
9 Speaker before the debate, and any such motion or amendment shall be reduced
10 to writing if the Speaker or any member desires it.

11 RULE 1432

12 Filling Blanks. -- All questions, whether in committee or in the House,
13 shall be put in the order they were moved, except in case of privileged ques-
14 tions, and in filling of blanks, when the largest sum and longest time shall
15 be put first.

16 RULE 1554

17 Division of Question. -- (1) Any member may call for the division of a
18 question if it comprehends propositions so distinct, that one or more being
19 taken away, a substantive proposition shall remain; but no bill, resolution,
20 memorial, or Senate amendment to any House bill or proposition shall be di-
21 visible. If a question be divided, each portion thereof shall be voted on
22 separately, the same as if it had been offered alone.

23 Strike Out and Insert. -- (2) A motion to strike out and insert shall
24 not be divisible but motions to strike out or to insert shall not preclude a
25 motion to amend or to strike out and insert. A motion to strike out and insert
26 or to strike or to insert shall be considered an amendment of bills and joint
27 resolutions and not permitted other than in the Committee of the Whole except
28 as provided in Rule 463.

29 RULE 1652

30 Precedence of Motions. -- When a question is under debate no motion
31 shall be received except:

- 32 1. To fix time to which to adjourn,
33 2. To adjourn,
34 3. To recess,
35 4. To raise a question or privilege,
36 5. Call of the House,
37 6. To lay on the table,
38 7. For the previous question (close debate--2/3 vote of the members
39 present),
40 8. To postpone to a time certain,
41 9. To commit or recommit,
42 10. To amend (place on general orders),
43 11. To postpone indefinitely,
44 12. Main motion,

1 which several motions shall have precedence in the order in which they stand
 2 arranged. To revert to or pass to a new order of business shall require a ma-
 3 jority vote of the members present.

4 RULE 1758

5 Motions, Withdrawal of. -- After a motion shall have been stated by the
 6 Speaker it shall be deemed to be in the possession of the House but may be
 7 withdrawn at any time by the consent of the House by majority vote of the mem-
 8 bers present before decision; but all resolutions and amendments and final
 9 motions shall be entered upon the Journal whether rejected or adopted.

10 RULE 1853

11 Undebatable Questions. -- The following questions shall be decided
 12 without debate:

- 13 To fix time to which to adjourn.
- 14 To adjourn.
- 15 To recess.
- 16 Call of the House.
- 17 To lay on the table.
- 18 To suspend the rules.
- 19 For the previous question.
- 20 Extending or limiting debate.
- 21 Withdrawing a motion.
- 22 Taking up business out of its proper order.

23 RULE 1943

24 Question of Order. -- A member called to order shall immediately sit
 25 down, unless permitted to explain, and the House, if appealed to, shall de-
 26 cide the case. If there be no appeal, the decision of the Chair shall pre-
 27 vail. On an appeal no member shall speak more than twice without leave of the
 28 House, nor more than ten minutes at a time. When a member is called to order
 29 for offensive language there shall be no debate.

30 RULE 2056

31 Question of Order Undebatable. -- All incidental questions of order
 32 arising after a motion is made for the previous question during the pending
 33 of such motion or after the House shall have determined that the main ques-
 34 tion shall be put, shall be decided, whether on appeal or otherwise, without
 35 debate.

36 RULE 2138

37 Debate, Right to Open and Close. -- When two or more members shall rise
 38 at once, the Chair shall designate the member who is first to speak, but in
 39 all cases the member making the motion or sponsoring the bill or the chair-
 40 man of the committee making the report which is under consideration, shall
 41 have the privilege of opening and closing the debate thereon. During clos-
 42 ing debate no new material shall be interjected that was not referred to dur-
 43 ing previous debate. No member shall conclude debate with a nondebatable mo-

1 tion. After the closing debater has been recognized, no other member shall
2 obtain the floor for any purpose other than to ask for a roll call vote.

3 RULE 2239

4 Limitation on Debate. -- No member shall speak more than twice on the
5 same subject, nor shall any member occupy the floor longer than one hour at a
6 time, without leave of the House by majority vote of the members present; nor
7 shall any member speak more than once until every member choosing to speak on
8 the subject shall have spoken.

9 Debate shall be limited to the question before the House. Discussion of
10 other bills or resolutions pending, or in committee in either the House or
11 Senate shall be prohibited except upon majority consent of the House. Ref-
12 erence to committee action on a question under debate is permitted but re-
13 stricted to testimony given before the committee and the final vote of the
14 committee. Reference to statements made by members in committee is prohib-
15 ited except with permission of the member being quoted and only if the member
16 being quoted is previously tendered a copy of the reference statement.

17 RULE 2346

18 Journal, Name of Mover on. -- In all cases where a bill, motion or reso-
19 lution shall be entered upon the Journal of the House, the name of the member
20 moving or the committee introducing the same shall be entered on the Journal.

21 RULE 246

22 Bills -- Introduction. -- After the 20th day of any session, no bill
23 shall be introduced except by committees and after the 36th day no bill shall
24 be introduced except by the State Affairs Committee, the Appropriations
25 Committee, the Education Committee, the Revenue and Taxation Committee,
26 the Health and Welfare Committee, and the Ways and Means Committee. When
27 essential to expedite the work of the House, the Speaker may designate any
28 standing committee to serve as a privileged committee temporarily or during
29 the remainder of the session.

30 RULE 257

31 Bills, Copies for Introduction. -- All House bills, memorials, resolu-
32 tions and proclamations introduced shall have one printed copy which shall
33 be endorsed with the word "Original." Additional copies of bills may be type-
34 written or printed as needed, and shall also be available through electronic
35 means on the legislative website.

36 RULE 2615

37 Bills Changed by Senate. -- Any House bill which is amended and passed
38 by the Senate must go through the same procedure as to reading and final vote
39 as if it were an original bill, after the House has concurred in the Senate
40 amendments.

41 RULE 278

42 Bills, Endorsements of, Entered on the Journal. -- Every bill before
43 being introduced shall have endorsed thereon the title of the same, and every
44 bill, joint resolution, joint memorial or concurrent resolution shall have
45 thereon the name or names of the members introducing it, and when introduced

1 by the committee, the name of such committee shall be endorsed thereon. The
 2 number, author and title of all bills, joint resolutions, joint memorials
 3 and concurrent resolutions, shall be entered on the Journal.

4 RULE 289

5 Amendatory Bills. -- All bills introduced which are intended to amend
 6 existing statutes, shall have the words, letters, figures, and punctuation
 7 which are added to such statute underscored; when the amendment is to strike
 8 out or repeal any part of an existing statute, the letter, figure, word,
 9 and punctuation shall be printed with a line through such letter, figure,
 10 word, and punctuation in the printed bill to indicate the part stricken or
 11 repealed. Provided, however, that when a bill includes, or consists of, the
 12 repeal of an entire section or chapter, it shall not be necessary to print
 13 such repealed section or chapter.

14 RULE 2911

15 Bills, Manner of Passing. -- No law shall be passed except by bill, nor
 16 shall any bill be put upon its final passage, until the same, with the amend-
 17 ments thereto, shall have been printed for the use of the members; nor shall
 18 any bill become a law unless the same shall have been read on three several
 19 days in each house previous to the final vote thereon; provided, in case of
 20 urgency, two-thirds of the membership of the House where such a bill may be
 21 pending may, upon a vote of the ayes and nays, dispense with this provision.
 22 On the final passage of all bills they shall be read at length, section by
 23 section, and the vote shall be by yeas and nays upon each bill separately, and
 24 shall be entered upon the Journal; and no bill shall become a law without the
 25 concurrence of a majority of the members present.

26 RULE 3013

27 Memorials and Resolutions. -- House memorials and resolutions shall be
 28 acted upon in the same manner as bills; provided, however, that on final pas-
 29 sage, joint resolutions must have the approval of two-thirds of the entire
 30 membership of the House.

31 RULE 312

32 Amendments must be Germane. -- No motion or proposition on a subject
 33 different from that under consideration shall be admitted under color of
 34 amendment.

35 RULE 3214

36 Withdrawal of Bills and Joint Resolutions. -- When a bill or joint res-
 37 olution is asked by a member of the House to be withdrawn it shall be stated
 38 the number, the author, and in a few words the reason for withdrawing and only
 39 by unanimous consent or a two-thirds vote of the members of the House present
 40 shall it be granted.

41 RULE 3316

42 Senate Bills. -- A similar code of procedure shall be observed with
 43 bills which have originated in and passed the Senate as with bills originated
 44 in the House, except they shall not be printed.

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
41
42
43
44
45
46
47
RULE 3455

Previous Question. -- Upon the previous question being ordered by a two-thirds majority of the members present, if a quorum, the effect shall be to cut off debate and bring the House to a direct vote upon the pending question. When the previous question is decided in the negative, it shall leave the main question under debate for the residue of the sitting, unless sooner disposed of.

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
41
42
43
44
45
46
47
RULE 3557

Effects of Motions to Postpone Indefinitely and to Lay on the Table. -- The adoption of a motion to postpone a question indefinitely shall suppress such question and the subject thereof during the whole of that session.

Once a matter has been laid on the table it may be taken therefrom only by a vote of two-thirds of the membership of the House.

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
41
42
43
44
45
46
47
RULE 3679

Roll Call. -- (a) The ayes and nays shall be ordered and recorded without request upon the final passage of bills, joint resolutions, motions or resolutions for the expenditure of public moneys, and for suspension of the reading of bills on three several days as provided in Rule 2911. The ayes and nays shall not be ordered on other matters unless requested by three members.

(b) On third reading, the question shall be stated as follows: "The question is: Shall House (or Senate) Bill Number _____ pass?"

(c) If an electrical voting machine is used, the presiding officer shall use a warning device after stating the question and then state: "The Clerk will unlock the machine and members will record their vote." After a reasonable pause, the presiding officer will ask: "Has every member voted?" (Reasonable Pause) "Does any member wish to change his vote?" (Reasonable Pause) "The Clerk will lock the machine and record the vote."

(d) Any member may explain his vote after the vote is announced, and before the next item of business is taken up, but no member will be allowed to change his vote after the vote is announced by the chair.

(e) Whenever necessary for the purpose of interpreting these rules, aye shall be the same as "yes" and nay shall be the same as "no."

33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
RULE 3765

Speaker Votes. -- The Speaker shall vote upon all questions taken by ayes and nays, including appeals from his decisions. The Speaker shall have no power to cast a second vote to break a tie vote.

37
38
39
40
41
42
43
44
45
46
47
RULE 3880

Members must Vote. -- (1) Except as provided in subsection (3), every member present within the bar of the House shall vote on any question put, unless excused by the House by majority vote of the members present.

(2) When a member casts his vote, unless he is paired pursuant to Rule 4181, he must be in his seat on the floor of the House and remain seated until the roll call is announced.

(3) A member has the right to vote upon all questions before the House and to participate in the business of the House and its committees and, in so doing, the member is presumed to act in good faith and in the public interest. If a member's personal interest in the issue under consideration con-

1 flicts with the public's interest, the member's legislative activities can
 2 be subject to limitations, unless such conflicts are disclosed to the pre-
 3 siding officer or to the body. Upon disclosure of any such conflict, the mem-
 4 ber may vote upon any question or issue to which the conflict relates, unless
 5 the member requests to be excused.

6 RULE ~~39~~19

7 Clerk Not to Be Annoyed. -- No member or any person shall remain by the
 8 Clerk's desk when the ayes and nays are being polled.

9 RULE ~~40~~73

10 Reconsideration. -- When a motion has been made and carried, or lost, it
 11 shall be in order for any member who voted on the prevailing side to give no-
 12 tice on the day the said motion was carried, or lost, during and at order of
 13 business then prevailing or at the first call of the next succeeding order
 14 of business that he may on the same or succeeding day move to reconsider such
 15 motion, and thereupon if the subject of such motion to reconsider affects a
 16 bill, memorial, or resolution, the same shall be held upon the Clerk's desk
 17 until such motion to reconsider be disposed of. When such notice has been
 18 given, only such member giving said notice may on the same day make such mo-
 19 tion to reconsider, or any member voting on the prevailing side may on the
 20 succeeding day, at the first call of the seventh order of business make said
 21 motion to reconsider, or it may not thereafter be heard; provided, that on
 22 and after the thirty-fifth day of the session and on the fifteenth day of any
 23 special session, the motion to reconsider may be made only on the same day
 24 the vote to be considered is taken, under the thirteenth order of business
 25 and may be made by any member voting on the prevailing side. Reconsideration
 26 shall be decided by a majority vote of the members present.

27 RULE ~~40(A)~~74

28 Rescind or Repeal. -- A motion to rescind may be used to reverse a previ-
 29 ous action after the time for reconsideration has passed. It may not be used
 30 in any case when an action has previously been reconsidered, or when vested
 31 rights have accrued or after a bill has passed the legislative body and has
 32 become law or when an act or resolution has been carried out.

33 The motion to rescind may be made by any member whether he voted with the
 34 prevailing side or not. The motion is debatable and opens the entire ques-
 35 tion to debate. A motion to rescind shall require a two-thirds majority of
 36 the members present to pass; except that, if the action which is proposed to
 37 be rescinded required a two-thirds majority of the total membership of the
 38 House, the motion to rescind shall require a two-thirds majority of the total
 39 membership of the House to pass.

40 RULE ~~41~~81

41 Pairing on Roll Call. -- (1) Pairing - Pairing shall be permitted upon
 42 the absence of one, both, or all pairing members for good cause shown, shall
 43 be in writing, shall specifically state the bill or proposition, upon which
 44 pairs are arranged, and shall be signed by all parties involved in the pair.

45 (2) Who may pair - Two members may pair upon a roll call vote to be deter-
 46 mined by a simple majority. On any bill or proposition requiring a vote of
 47 two-thirds of the entire membership for adoption, a pair shall require three

1 members, two affirmative and one negative. Pairs shall not be permitted on a
2 veto override.

3 (3) Voting or debate while paired - If only one of a pair be absent, none
4 of the others shall debate, ask or reply to inquiries or vote on the roll call
5 for any measure.

6 (4) Broken pairs - Pairs shall be broken if all members of the pair are
7 present in their seats or any member pairing debates, asks, or replies to in-
8 quiries or answers a roll call for the paired bill or proposition.

9 (5) Announcing and recording pairs - Each pair slip must be in the pos-
10 session of the Chief Clerk before voting on any measure has begun. Each pair
11 shall be announced by the Chief Clerk, after the completion of the roll call,
12 from the completed pair slip furnished to the Chief Clerk. The pairs shall be
13 recorded in the total vote and published in the Journal as a part of the pro-
14 ceedings.

15 RULE 4241

16 Courtesy. -- When the Speaker is putting the question no member shall
17 walk out or across the hall, nor leave during the roll call; nor when a member
18 is speaking shall any person entertain any private discourse or pass between
19 him and the Chair; nor shall a member, at any time during the time the House is
20 in session, pass between the members of the House and the Speaker's Chair.

21 RULE 4310

22 Reference of Bills. -- (1) All House bills, memorials and resolutions
23 shall upon their introduction and first reading, be ordered printed by the
24 Judiciary, Rules and Administration Committee. When reported printed by the
25 Chief Clerk, the Speaker shall refer the instrument to a standing committee,
26 or shall order the instrument filed for second reading. All Senate bills,
27 memorials and resolutions shall be referred directly by the Speaker to a
28 standing committee or to the second reading calendar.

29 (2) If a bill, memorial or resolution is reported by the standing com-
30 mittee to which it has been referred without amendment, it shall be placed
31 upon the second reading calendar, but if such committee report a bill, memo-
32 rial or resolution with amendments, the same with the amendments shall be
33 placed upon the general orders calendar for consideration by the Committee
34 of the Whole House.

35 RULE 4448

36 Engrossed Bills. -- All House bills, memorials or resolutions that have
37 been amended by the House shall be referred to the Committee on Judiciary,
38 Rules and Administration, and when properly engrossed shall be placed upon
39 the calendar for first reading of engrossed bills, but shall not be again
40 referred to a committee unless otherwise ordered by the House by a majority
41 vote of the members present. The Committee on Judiciary, Rules and Adminis-
42 tration may order the printing of the engrossed instrument in such numbers as
43 necessary to provide copies for the use of the legislative session. No House
44 bill, memorial or resolution shall be engrossed unless amended by the House.
45 No Senate bill shall be engrossed by the House.

1
2
3
4
5
6
7
8
9
10
11
12
13
RULE 4517

Call for Bills or Memorials or Resolutions. -- When any bill, memorial or resolution has been in the hands of any committee for five days, any member of the House may, at the fifth or seventh order of business, upon the floor of the House, call for the same; whereupon it shall be the duty of said committee to report said bill, memorial or resolution to the House under the order of business of committee reports, not later than the following morning session. The House may, however, upon motion approved by a majority of the members present, grant said committee further time; provided, that after the thirtieth day of the session any bill, memorial or resolution must be reported forthwith out of the committee to which it has been referred, with or without recommendations, upon the request of any member, unless otherwise ordered by the House by a vote of a majority of the members present.

14
15
16
17
18
19
20
21
22
23
RULE 463

Amendments; Correction of Typographical Error. -- No amendment of any Bill or Joint Memorial or Joint or Concurrent Resolution shall be considered by the House except the same shall have been first considered by the Committee of the Whole House but all Bills, Joint Memorials or Joint or Concurrent Resolutions may be recommitted at any time previous to their passage; provided, however, that a typographical or clerical error in any Bill, or Joint Memorial or Joint or Concurrent Resolution, which does not affect the general context thereof, may be corrected and amended by a motion considered by the House without prior consideration by the Committee of the Whole House.

24
25
26
RULE 4730

Chairman of the Committee of the Whole House. -- In forming the Committee of the Whole House the Speaker shall appoint a chairman to preside.

27
28
29
30
31
RULE 4829

General Orders -- Consideration of. -- When the House has arrived at the general order of the day, it shall resolve itself into a Committee of the Whole House, and shall consider, act upon, or pass all matters referred to it in the order of their reference, unless the committee shall sooner rise.

32
33
34
35
36
37
38
39
40
RULE 4933

Rules of House Apply in Committee of the Whole House, Exception. -- The rules of the House shall be observed in Committee of the Whole House, so far as the same may be applicable, except that the ayes and nays shall not be called, nor the previous question enforced. The Committee of the Whole House shall not consider any appeal from a decision of its Chairman, but in case a member is dissatisfied with any such decision, the committee shall at once rise and report the question to the House for determination, when the Speaker shall rule upon the point, subject to appeal to the House as in other cases.

41
42
43
44
45
46
RULE 5031

Committee of the Whole House -- Procedure in. -- (1) Bills committed to the Committee of the Whole House shall not be read and there shall be no general debate unless a motion to allow general debate is approved by members of the Committee of the Whole House. The mover of an amendment shall be allowed five minutes to explain the amendment and debate in favor thereof. The

1 mover may yield all or any portion of his time to other members for debate in
 2 favor of the amendment. Thereafter, five minutes shall be allowed for de-
 3 bate in opposition to the amendment. Time consumed by questions and answers
 4 shall not be deducted from the five minutes allotted to each side for debate.
 5 The mover of the amendment shall have the privilege of closing debate on the
 6 amendment. Closing debate shall be limited to two minutes. No amendment
 7 shall be withdrawn by the mover thereof unless by majority consent of the
 8 Committee. Each proposed amendment shall be in writing, shall be reported to
 9 the House by the Chairman and shall contain, either on the face of the amend-
 10 ment, or on a sheet attached to the front page thereof, the following:

11 (a) A concise statement of purpose.

12 (b) Names of the mover and the seconder in the upper right hand
 13 corner.

14 No amendment shall be considered by the Committee of the Whole House un-
 15 til written copies thereof with the above information included, have been
 16 delivered to each member of the House.

17 (2) The simple motion that the committee shall rise shall always be in
 18 order, except when a member has the floor, and shall be decided, by a majority
 19 vote of the members present, without debate.

20 (3) The motion to strike out the enacting clause shall not be made until
 21 after the first section or clause of the bill has been read for amendment, and
 22 is debatable five minutes on either side.

23 (4) All business of the House and Committee of the Whole House shall be
 24 transacted openly.

25 RULE 5159

26 Adjournment, Motion. -- A motion to fix a time to which to adjourn or a
 27 motion to adjourn shall always be in order, except when a member is address-
 28 ing the Chair or a vote is being taken, or when the House is under call as pro-
 29 vided in Rule 718.

30 RULE 5244

31 Adjournment, Decorum at. -- When the House adjourns, the members shall
 32 keep their seats until the Speaker announces the adjournment.

33 RULE 5322

34 Standing Committees. -- Standing Committees shall be appointed by the
 35 Speaker. The number of members on each committee shall be fixed in the order
 36 of appointment, and such order shall be read into the journal. The standing
 37 committees are:

38 Agricultural Affairs

39 Appropriations

40 Business

41 Education

42 Environment, Energy, and Technology

43 Health and Welfare

44 Commerce and Human Resources

1 Judiciary, Rules and Administration
2 Local Government
3 Resources and Conservation
4 Revenue and Taxation
5 State Affairs
6 Transportation and Defense
7 Ways and Means

8 RULE 5423

9 Standing Committees, Meetings. -- No meetings of any standing or select
10 committee shall be held at the time the House is in session, except by permis-
11 sion of the Speaker.

12 RULE 5524

13 Committee Meetings, Notice of. -- The chairman of each standing or se-
14 lect committee shall lay on the Clerk's desk, to be read previous to adjourn-
15 ment, notice of the time and place of meeting of such committee.

16 RULE 5625

17 Chairman of the Committee. -- The first-named member of each commit-
18 tee shall be the chairman, and in his absence, or having been excused by the
19 House, the next-named member and so on, as often as the case may happen, shall
20 act as chairman.

21 RULE 5726

22 Committee Meetings to be Open, Executive Sessions Limited, Disruption
23 of Meetings. -- (1) All regular meetings of any standing, special or select
24 committee of the House of Representatives shall be open to the public at all
25 times. Any person may attend any meeting of any standing or select or special
26 committee, but may participate in said committee only with the approval of
27 the committee itself.

28 (2) Executive sessions of a standing, special or select committee of
29 the House of Representatives shall be limited and undertaken only when ne-
30 cessitated by extraordinary circumstances as provided in this rule. Except
31 in an emergency involving security or threats against state citizens, re-
32 sources or facilities, an executive session may be considered by a committee
33 only after the committee has given public notice at least twenty-four hours
34 in advance of the meeting that the committee will have before it a request
35 to meet in executive session, has listed the person(s) or agency that has
36 requested the executive session, and has described the reason(s) for which
37 an executive session has been requested. Only after the committee chairman
38 has identified the reason(s) for holding the executive session and only upon
39 a two-thirds vote recorded in the minutes of the meeting of the committee,
40 shall a committee be allowed to hold an executive session during any meeting,
41 at which time persons who are not members of the legislature may be excluded.
42 Executive sessions shall be held only when and to the extent necessary to:
43 discuss records that are exempt from public disclosure by statute, court
44 decision or court rule; consider pending litigation, mediation or arbi-
45 tration; consider personnel decisions involving a legislative employee;

1 conduct a preliminary investigation of an ethics complaint against a member
 2 under ~~House~~ Rule ~~7645~~; consider charges brought against or the discipline
 3 or dismissal of a member when public disclosure would harm an innocent third
 4 party; discuss the security of or threats against state citizens, resources
 5 or facilities; or discuss acquiring an interest in real property which is not
 6 owned by a public agency. Under no circumstances, however, shall an execu-
 7 tive session be authorized or held for the purpose of taking any final action
 8 or making any final decision, and during such executive session, no votes or
 9 official action may be taken.

10 (3) Nothing in this rule shall prohibit the removal of any person who
 11 willfully disrupts a meeting to the extent that orderly conduct is seriously
 12 compromised.

13 RULE 5861

14 House Chamber. -- All use of the House Chamber is to be arranged through
 15 the office of the Speaker of the House of Representatives.

16 RULE 5927

17 Reports of Committees. -- In case all the members of any committee are
 18 required or entitled to report on any subject referred to them, and cannot
 19 agree upon any report, the majority and minority may each make a special re-
 20 port, and any member dissenting in whole or in part from the reasoning and
 21 conclusions of both majority and minority may also present to the House a
 22 statement of his reasonings and conclusions, and all reports, if decorous in
 23 language and respectful to the House, shall be entered at length on the Jour-
 24 nal.

25 RULE 6047

26 Journal Committee. -- The Committee on Judiciary, Rules and Adminis-
 27 tration shall examine and verify the Journal prior to its approval and cer-
 28 tify the correctness thereof to the House.

29 RULE 6150

30 Enrollment Committee. -- The Committee on Judiciary, Rules and Admin-
 31 istration shall examine all House bills, memorials and resolutions which
 32 have passed the two houses, and when reported correctly enrolled they shall
 33 be presented to the presiding officers of the House and Senate for their
 34 signatures, and when signed shall be referred to the Committee on Judiciary,
 35 Rules and Administration for delivery to the Governor or the Secretary of
 36 State, as the case may be, and the date of such delivery shall be reported to
 37 the House.

38 RULE 6249

39 Engrossment Committee. -- The Committee on Judiciary, Rules and Admin-
 40 istration shall examine all bills after they are engrossed and report the
 41 same to the House, correctly engrossed.

42 The Chief Clerk shall be ex-officio member of said committee. Such com-
 43 mittee may report at any time.

1 RULE 6376

2 Committee on Rules. -- It shall be the duty of the Standing Committee
3 on Judiciary, Rules and Administration to report and recommend the adoption
4 of any special rule when the business of the House seems to the committee to
5 require it.

6 RULE 6420

7 Chief Clerk, Custodian of Papers. -- ~~(1)~~ Neither the Chief Clerk nor
8 his assistant shall permit any records or papers belonging to the House to be
9 taken out of their custody otherwise than in the regular course of business,
10 and doing so, shall be subject to reprimand by the Speaker; and such further
11 penalty as the House may impose. The Chief Clerk shall report any missing pa-
12 pers to the Speaker; shall have general supervision of all clerical duties
13 appertaining to the business of the House; shall perform under the direction
14 of the Speaker, all duties pertaining to the business of his office.

15 ~~Public Records Requests. -- (2) The Speaker may authorize the Director~~
16 ~~of the Legislative Services Office to comply with public records requests on~~
17 ~~behalf of members of the House. The Director of the Legislative Services Of-~~
18 ~~ice may coordinate or prepare responses to requests for public records on~~
19 ~~behalf of the House, its committees and its individual members. Responses~~
20 ~~will be in accordance with House rules and the Idaho Public Records Act. Upon~~
21 ~~notifying the Speaker, an individual member may individually respond to re-~~
22 ~~quests for his public records.~~

23 RULE 654

24 Attaches, Duties. -- All attaches of the House shall be required to be
25 on duty during the sessions of the House and during such other hours as they
26 may be needed for the business of the House, unless excused by the Speaker.

27 RULE 665

28 Attaches, Lobbying. -- Attaches of the House shall not be permitted to
29 lobby for or against any bill or measure pending. It shall be the duty of the
30 Speaker of the House of Representatives to summarily discharge any attache
31 of the House violating this rule.

32 RULE 6737

33 Seating. -- Upon the organization of the House of Representatives and
34 the adoption of temporary rules, the House shall be declared "at ease," and
35 the members shall retire to the sides of the House and proceed to select their
36 seats in the following manner:

37 (1) The Majority and Assistant Majority Leader, Minority and Assistant
38 Minority Leader, the Majority Caucus Chairman and the Minority Caucus Chair-
39 man shall first select their seats.

40 (2) Such members of the House as may have a physical impairment that re-
41 quires an accommodation shall next select their seats.

42 (3) Former members of the House shall next select their seats, with
43 priority determined on the basis of the total number of terms served in
44 the House. Those with consecutive terms immediately prior to the present
45 session shall have priority over those with the same or a greater number of
46 nonconsecutive terms, and of those not having served immediately prior to
47 the present session. In the event two or more Representatives, not having

1 served a term immediately prior to the present session, shall have served an
2 equal number of past terms, service in the Senate shall be computed to deter-
3 mine priority as between them.

4 (4) Former members of the Senate shall next select their seats, and
5 those having served the greatest number of terms in the Senate shall have
6 priority.

7 (5) The names of all remaining members shall be placed in a hat by the
8 Chief Clerk, the names drawn by him, and as each member selects his seat, he
9 shall proceed to the seat selected by him and remain therein until the busi-
10 ness of selecting seats shall be completed.

11 (6) In all cases in which two or more Representatives have the same pri-
12 ority, the order of seating shall be determined by lottery as provided in
13 subsection (5) above.

14 (7) The seating arrangements set forth in the preceding paragraphs
15 shall be subject to the provision that the members of each party shall be
16 seated as nearly as possible in adjacent seats, and in the event one party has
17 a majority which requires seating of its members on the side of the chamber
18 occupied by the members of the minority party, such majority party shall have
19 the right to select as many seats as are necessary to accommodate its member-
20 ship on the side closest to the regular seats of the majority party, subject
21 only to Paragraph 1 of this Rule, and the minority party shall be required to
22 make such seats available to the members of the majority party.

23 RULE 6870

24 Admittance to Floor of House. -- The following persons shall be admit-
25 ted to the floor of the House of Representatives during sessions: legis-
26 lators, elected state officials, former state legislators, legislative em-
27 ployees and representatives of the news media. In order to be admitted to the
28 floor of the House, elected state officials, former state legislators, leg-
29 islative employees and representatives of the news media shall be required
30 to wear badges prepared by the Chief Clerk.

31 Any elected state official or former state legislator must be sponsored
32 by a legislator in order to be admitted to the floor of the House. Any other
33 guest of the House must be cleared through the Speaker of the House, or per-
34 sons designated by the Speaker, and through the Sergeant at Arms, in order to
35 be admitted to the floor of the House.

36 RULE 6971

37 Control of Visitors to House Floor. -- No person except those on offi-
38 cial business of the House shall be allowed inside the House Chambers from
39 30 minutes prior to the convening of the House and until 10 minutes after the
40 House is adjourned; or at any time when the House is in recess, except as pro-
41 vided in Rule ~~6870~~. Provided, however, that no one lobbying for or against
42 any measure shall be permitted on the floor of the House except by invitation
43 of a member.

44 RULE 7040

45 Session Decorum. -- (1) Smoking and the consumption of food and bever-
46 age will not be allowed in the Representative Chamber or gallery while the
47 House is in Session.

1 (2) Persons in the Chamber shall wear proper attire to maintain decorum
2 of the House.

3 RULE 7164

4 Clearing Galleries. -- In case of any disturbance or disorderly conduct
5 in the lobby or gallery, the Speaker or the Chairman of the Committee of the
6 Whole House shall have the power to order the same to be cleared.

7 RULE 7267

8 Distribution of Written or Printed Matter. -- No written or printed
9 matter shall be distributed to the Representatives directly, but shall be
10 deposited in appropriate mail boxes set aside for them, except communi-
11 cations from any member or employee of the Legislature, committee of the
12 Legislature, elected state official, or state department or agency may be
13 delivered directly to the Representatives' desks. No written or printed
14 matter, except such as may be forwarded through the United States mail, shall
15 be distributed to the Representatives under any circumstances unless it
16 shows the name and address of the person or organization responsible for such
17 distribution. Any person or organization desiring to distribute correspon-
18 dence or written or printed matter to the Representatives or number of them
19 at one time, shall first obtain the permission of the Sergeant at Arms or the
20 Speaker of the House and such distribution shall be made under the supervi-
21 sion of the Sergeant at Arms.

22 RULE 731

23 Amended Bills. -- When a bill, resolution, or memorial passed by the
24 House of Representatives has been amended in the Senate, upon its return to
25 the House, the House shall concur or not concur, or may order the bill re-
26 ferred to a standing committee which shall on that day or the next succeeding
27 day return it to the desk with a committee recommendation for concurrence in
28 such amendment or rejection thereof. If the House does not concur, a confer-
29 ence committee may be appointed to confer with a similar committee from the
30 Senate, pursuant to the Joint Rule on Conference Committees.

31 RULE 7462

32 Attaches, Selection, Removal, Duties and Compensation. -- The selec-
33 tion and compensation of the attaches to serve the House during each session
34 shall be determined by the Speaker. All attaches shall serve at the pleasure
35 of the Speaker. The Speaker shall prescribe the duties of all attaches and
36 have general supervision of all attaches in the performance of their duties.
37 Actions by the Speaker pursuant to this rule shall be taken after consulta-
38 tion with the majority and minority leadership.

39 RULE 7572

40 Recording, Filming or Transmission. -- (a) The public may use audio or
41 video recording devices or nonflash photography to record proceedings of the
42 House of Representatives or committees thereof, provided that such does not
43 interfere with or disturb the proceedings of those present. The determi-
44 nation of whether use of a recording device interferes with or disturbs the
45 proceedings or those present rests with the presiding officer. Unless oth-
46 erwise determined by the presiding officer or provided by this rule, record-

1 ing of the House floor shall be from the gallery and recording of committee
2 proceedings shall be from or behind the area for public seating.

3 (b) Media accredited as provided in Joint Rule 14 may sit, stand, unob-
4 trusively move about or use tripods or monopods to record the proceedings as
5 long as such recording is conducted in an orderly manner and does not impede
6 the proceedings or disturb those in attendance. Unless otherwise allowed by
7 the presiding officer, recording by accredited media shall be conducted from
8 either side behind the podium and presenter area. The presiding officer may
9 designate separate seating for accredited news media to use.

10 (c) Persons not accredited under Joint Rule 14 desiring to record the
11 proceedings beyond that allowed under subsection (a) of this rule shall seek
12 permission from the presiding officer before being granted the privileges
13 associated with media under subsection (b) of this rule.

14 (d) Recording under this rule means audio, video or photographic
15 recording and transmission of such recordings. The presiding officer may
16 set additional limitations on recording as necessary in the discretion of
17 the presiding officer to preserve the decorum of the business being con-
18 ducted.

19 RULE 7645

20 Committee on Ethics.-- (1) Before the end of the twelfth day of the first
21 regular session of each Legislature, an ethics committee shall be organized
22 and its membership shall be determined. The ethics committee shall consist
23 of five members of the House, three of whom shall be members of the majority
24 party and two of whom shall be members of the minority party. House members
25 holding leadership positions shall not serve on the ethics committee. Com-
26 mittee Chairmen may serve on the ethics committee. Committee members shall
27 not have been previously sanctioned by the House for an ethics violation pur-
28 suant to this rule.

29 (2) The Caucus Chairman of each party shall conduct the election of
30 ethics committee members as follows:

31 (a) Phase I: At a designated caucus meeting, each Caucus Chairman shall
32 receive from members of their respective caucus a silent ballot nom-
33 inating to membership on the ethics committee up to three members who
34 have previously served at least one full term. Each caucus chairman
35 and the two elected at-large legislative council members for the caucus
36 shall prepare a ballot of nominees consisting respectively of the five
37 nominees for the majority party and the four nominees for the minority
38 party receiving the most nominating votes.

39 (b) Phase II: By silent ballot, each member of the majority party shall
40 vote for three and of the minority party for two nominees on their re-
41 spective ballots. The caucus chairman and the two elected at-large
42 legislative council members for the caucus shall count the votes and
43 prioritize the members from greatest to least number of votes received.
44 The three members of the majority party and the two members of the mi-
45 nority party receiving the highest number of votes shall be members of
46 the ethics committee for the term of the Legislature. Others receiving
47 votes shall serve in order of priority as committee alternates for their
48 respective party.

49 (c) Committee members may be reelected to a subsequent committee. A
50 vacancy on the committee shall be filled with the highest priority al-

1 ternate available to the party entitled to fill the vacancy. When no
2 elected alternates are available to fill a vacancy, such vacancy shall
3 be filled by majority vote of the House members of the party entitled
4 to fill the vacancy. Except as otherwise provided in subsection (9) of
5 this rule, a member filling a vacancy shall serve for the remainder of
6 the unexpired term.

7 (d) The Speaker of the House shall appoint one of the members of the com-
8 mittee as chairman of the committee.

9 (3) (a) The chairman of the ethics committee shall receive complaints
10 from any member of the House.

11 (b) The complaint shall be in writing, signed and contain one or more of
12 the following allegations:

13 (i) Conduct unbecoming a Representative which is detrimental to
14 the integrity of the House as a legislative body;

15 (ii) Disclosure of information that is confidential as provided
16 in House rules;

17 (iii) Conduct constituting a felony under any state law, or which
18 violates any state law relating to the use of public office for
19 private pecuniary gain;

20 (iv) A violation of any state law or House rule relating to con-
21 flicts of interest involving legislative duties; or

22 (v) A violation of any state law or House rule that brings dis-
23 credit to the House of Representatives or that constitutes a
24 breach of public trust.

25 (c) The complaint shall be specific and provide:

26 (i) The name of the member of the House of Representatives alleged
27 to be in violation;

28 (ii) Reference to the House rule and/or applicable state law sup-
29 porting the alleged violation;

30 (iii) A description of the facts and circumstances supporting each
31 alleged violation; and

32 (iv) The evidence the complainant has at the time of making the
33 complaint supporting the facts and violation alleged in the com-
34 plaint.

35 (d) Subject to the provisions of this rule, the committee shall review
36 the written complaint. The committee shall dismiss any ethics com-
37 plaint that:

38 (i) Does not comply with this rule; or

39 (ii) Alleges violations that occurred either before the accused
40 member was first elected to the House of Representatives or for
41 which an applicable statute of limitation has run.

42 (e) Written complaints shall remain confidential until such time as the
43 ethics committee finds probable cause that such member has committed
44 misconduct as provided in this rule.

45 (4) The committee shall notify the person against whom the complaint
46 was brought and shall provide such person with a copy of the complaint and
47 evidence submitted supporting the complaint. The person complained against
48 may submit a written answer to the committee. The member complained against
49 shall provide such written answer to the chairman of the committee no later
50 than fourteen days following the date that the copy of the complaint was pro-

1 vided to the member complained against. Following receipt of the answer or
2 if no answer to the complaint is provided to the chairman within the time pe-
3 riod provided, the committee shall meet and conduct a preliminary investi-
4 gation of the complaint. Notwithstanding the provisions of ~~House Rule 5726~~,
5 such meeting shall be held in executive session. At the preliminary investi-
6 gation, the committee shall determine, based upon the complaint, other rele-
7 vant information and the answer to the complaint, whether probable cause ex-
8 ists that the member committed misconduct as provided in this rule. If, at
9 the conclusion of the preliminary investigation, the committee determines
10 no probable cause exists that misconduct has occurred, the complaint shall
11 be dismissed and the written complaint shall remain confidential. If, at the
12 conclusion of the preliminary investigation, the committee determines prob-
13 able cause exists that misconduct may have occurred, the committee shall so
14 notify the person complained against and the written complaint against the
15 member shall no longer be confidential but shall become a public document.

16 (5) Following a finding of probable cause and in a timely fashion, the
17 committee shall conduct a public hearing before which the member shall be en-
18 titled to appear, present evidence, cross-examine witnesses, and be repre-
19 sented by counsel. The complainant or authorized agent of the complainant
20 shall first present the complaint and supporting evidence and testimony to
21 the committee. The committee shall have the power to take testimony under
22 oath and to issue subpoenas and subpoenas duces tecum in the manner provided
23 in Section 67-407, Idaho Code, and make inquiry and discover evidence rel-
24 evant to the allegation. Formal rules of evidence are not applicable; how-
25 ever, evidence shall be weighed according to its reliability, and the ac-
26 cused may raise objection to any evidence. The accused may defer presenta-
27 tion of any defense until all of the evidence has been presented in support of
28 the complaint. The accused shall have a full and fair opportunity to obtain
29 and review all of the evidence in support of the complaint.

30 (6) If after investigation and hearings held pursuant to this rule,
31 the committee finds by clear and convincing evidence that a violation of the
32 standards contained in this rule occurred, the committee shall make appro-
33 priate recommendations to the House of Representatives. By four-fifths vote
34 of the committee, the committee shall recommend dismissal of the charges,
35 reprimand, censure or expulsion, provided that a recommendation for expul-
36 sion shall only be based upon a finding beyond reasonable doubt that mis-
37 conduct involves commission of a felony or use of public office for pecu-
38 niary gain under subsection (3) (b) (iii) of this rule. The sanction of cen-
39 sure may be with or without conditions or restrictions placed upon the mem-
40 ber. The committee shall prepare a report setting forth its findings, rec-
41 ommendation and reasons for such recommendation. The House of Representa-
42 tives shall vote on the recommendation of the committee, as set forth in the
43 report, during the regular session of the Legislature in which the committee
44 reports. If the committee meets and reports during the interim when the Leg-
45 islature is not in session, then the House of Representatives shall vote on
46 the committee recommendation during the next regular session of the Legis-
47 lature. If the committee does not issue a recommendation within thirty days
48 of the conclusion of the public hearing, the complaint shall be deemed dis-
49 missed. Expulsion of a House member shall require the affirmative vote of
50 two-thirds of the members elected to the House, as provided by Section 11 of

1 Article III of the Constitution. Reprimand or censure of a member shall re-
2 quire the affirmative vote of a majority of the members elected to the House.
3 Action of the House pursuant to this rule is final and not subject to court
4 review.

5 (7) The committee may retain such counsel and may hire such investiga-
6 tors as it deems necessary for the performance of its duties under this rule.
7 All expenditures incurred pursuant to this subsection shall be approved by
8 the Chairman and paid by vouchers and warrants drawn as provided by law from
9 appropriations made to the Legislative Account.

10 (8) The committee may adopt rules of procedure for the orderly con-
11 duct of committee meetings, investigations and hearings, which rules shall
12 be consistent with this rule and other applicable rules and statutes.

13 (9) If the written signed complaint concerns misconduct of a member of
14 the ethics committee, then that member shall be disqualified and shall not
15 serve on the committee for any purpose relating to such complaint. A vacancy
16 on the committee created as a result of this subsection shall be filled by
17 an alternate in accordance with the provisions of subsection (2) (c) of this
18 rule, except that the fulfillment of any such vacancy shall only be for pur-
19 poses relating to such complaint.

20 RULE 7728

21 Appointment -- Powers and Duties of Subcommittees. -- (1) Any commit-
22 tee of the House of Representatives, except the committee of the whole, may
23 appoint a subcommittee. The subcommittee can make such investigation or
24 exercise such authority of the committee as delegated to it by the committee.
25 The subcommittee shall report to the committee from which it was appointed
26 and not to the House. A subcommittee may consist only of members of the
27 committee from which appointed. A subcommittee shall issue a report within
28 twenty-eight calendar days after being appointed by the committee unless the
29 subcommittee requests additional time to meet and confer and the committee
30 grants that request.

31 (2) In cases or with legislation demanding special investigation or in-
32 quiry, it is proper for a committee to appoint subcommittees, referring cer-
33 tain matters to their particular consideration, and to receive and consider
34 the reports of subcommittees. All subcommittee meetings shall be held in
35 conformity with state law.

36 (3) At the request of any member of the committee, a subcommittee shall
37 have membership from the minority parties in proportion to the minority par-
38 ties' representation in the House.

39 RULE 7834

40 Contest of Election -- Procedures. This Rule governs procedures lead-
41 ing up to and including a hearing on the contest of election. It should be
42 read in conjunction with Chapter 21, Title 34, Idaho Code. For purposes of
43 this Rule, the term "Party" means either the CONTESTEE or the CONTESTOR; the
44 term "Parties" means both.

45 (1) Any proof of the CONTESTEE's or CONTESTOR's legal arguments, in-
46 cluding depositions, affidavits, production of papers, and examination
47 of poll books and ballots (herein "Record") that either CONTESTEE or
48 CONTESTOR desires the House of Representatives to consider in adjudica-
49 tion of a Contest must be completed on or before December 29. CONTESTEE

1 and CONTESTOR's Record must be delivered to the Office of the Secretary
2 of State no later than the close of business on the next business day.
3 Any Record or evidence from the CONTESTEE or CONTESTOR not delivered
4 to the Office of the Secretary of State by that day and time will not be
5 considered by the House of Representatives.

6 (2) The Parties must file a Memorandum that outlines their claims, de-
7 fenses, legal authority, legislative precedent, proposed form of re-
8 lief, and a description of witness fees and discovery costs that are in-
9 curred. The Memorandum must be filed with the Office of the Secretary
10 of State no later than the close of business four (4) business days fol-
11 lowing delivery of the Record to the Office of the Secretary of State as
12 provided in paragraph (1). However, CONTESTEE is not required to file a
13 responsive pleading to the Contest.

14 (3) Any Party may file a Responsive Memorandum. If a Party chooses to
15 file a Responsive Memorandum, it must be filed with the Office of the
16 Secretary of State no later than the close of business on the first day
17 of the next Regular Session.

18 (4) If an unresolved discovery or Record dispute exists and continues
19 between the CONTESTEE and the CONTESTOR, and on motion duly made, the
20 presiding officer or his designee may rule on the dispute. Neither the
21 CONTESTEE nor the CONTESTOR will be granted any additional time beyond
22 December 29 to develop or deliver his Record.

23 (5) Committee hearing procedures. If the House of Representatives
24 refers the Contest of Election to a Standing or Special Committee, the
25 Committee Chairman will notify the Parties of the Committee hearing
26 procedures. The following procedures, subject to the discretion of the
27 Committee Chairman, will govern the hearing:

28 (a) No additional testimony or Record may be presented, taken, or
29 allowed by the Parties beyond the Record delivered to the Office of
30 the Secretary of State as provided in paragraph (1) of this Rule.

31 (b) Neither CONTESTEE nor CONTESTOR may examine or cross-examine
32 any witness that testifies before the Committee. All examination
33 will be performed by Committee members.

34 (c) Pursuant to Section 34-2104, Idaho Code, only the named points
35 in the Notice of Contest of Elections may be argued.

36 (d) The Committee may send for and receive persons, papers, and
37 records, whether written or oral, including from the Office of the
38 Attorney General, other State Elected Officers, State officials,
39 County Elected Officers, County officials, or other witnesses
40 that the Committee determines will reasonably assist the Commit-
41 tee in the performance of its constitutional duty as a "judge of
42 the election, qualifications and returns of its own members," Sec-
43 tion 9, Article III, Idaho Constitution.

44 (e) In all other respects, the Committee will be governed by the
45 rules of the House of Representatives.

46 (6) The Committee may adopt any of the following as part of the hearing
47 procedures:

48 (a) Permit the Parties to have counsel present at Committee meet-
49 ing(s); and

1 (b) Establish a time limit for the CONTESTEE and CONTESTOR to ar-
2 gue their positions to the Committee.

3 (7) Neither CONTESTEE nor CONTESTOR, nor their counsel, may partici-
4 pate in ex parte communication with any member of the Idaho House of Rep-
5 resentatives regarding the merits of the Contest of Election prior to
6 final House of Representatives determination.

7 (8) Service of all Record, Memorandum, Responsive Memorandum, motions,
8 or objections must be made on the other Party as provided in Idaho Rules
9 of Civil Procedure 5(b), excepting subpart 5(b)(2)(D). The Parties must
10 also provide a proof of service as provided by Idaho Rules of Civil Pro-
11 cedure 5(e). The Parties must work in good faith to ensure reasonable
12 and timely service, considering the limited time periods.

13 (9) Nothing in this Rule limits or restricts the House of Representa-
14 tives in the performance of its duties as the judge of the election,
15 qualifications and returns of its members.

16 RULE 7978

17 Veto -- Procedure After Governor's Action. When a bill has been vetoed
18 by the Governor and his objections entered upon the Journal, the vetoed bill
19 is before the House for reconsideration in accordance with Section 10, Ar-
20 ticle IV, Idaho Constitution; the question put forth by the Chair is, "Shall
21 House Bill ____ pass, the Governor's veto notwithstanding?" When the ques-
22 tion of reconsideration has been stated, only the following motions shall be
23 in order, in the order named:

- 24 1. To adjourn.
- 25 2. To recess.
- 26 3. To lay on the table.
- 27 4. To postpone to a time certain.
- 28 5. To hold at the desk.

29 WHEREAS, the House of Representatives deems it necessary and desirable
30 to add a new Rule 66 to the Rules of the House of Representatives.

31 NOW, THEREFORE, BE IT RESOLVED by the members of the House of Represen-
32 tatives, assembled in the First Regular Session of the Sixty-fifth Idaho
33 Legislature, that the Rules of the House of Representatives shall be amended
34 by the addition thereto of a new Rule 66 to read as follows:

35 RULE 66

36 Public Records Requests. -- The Speaker may authorize the Director of
37 the Legislative Services Office to comply with public records requests on
38 behalf of members of the House. The Director of the Legislative Services Of-
39 fice may coordinate or prepare responses to requests for public records on
40 behalf of the House, its committees and its individual members. Responses
41 will be in accordance with House rules and the Idaho Public Records Act. Upon
42 notifying the Speaker, an individual member may individually respond to re-
43 quests for his public records.