

JOSEPH M. SOUKI
Speaker



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HOUSE OF REPRESENTATIVES

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February 4, 2015

TO: ALL HOUSE MEMBERS

FROM: SPEAKER JOSEPH M. SOUKI 

RE: ESTABLISHMENT OF A SPECIAL COMMITTEE TO CONSIDER MISCELLANEOUS
COMMUNICATION NO. 1003

The purpose of this memorandum is to establish a Special Committee to Consider Miscellaneous Communication No. 1003 pursuant to House Rule 14 of the Rules of the House of Representatives, State of Hawaii, 28th State Legislature, 2015-2016.

The establishment of this Special Committee is in response to a petition ("Petition") from Lance D. Collins dated January 16, 2015, on behalf of six voters from the 20th Representative District, Ramona Hussey, M. Ka'imila Nicholson, Natalia Antonia Hussey-Burdick, Brent S. Dupuis, Marvin D. Heskett, and Joel L. Merchant (the "Voters"). The Petition challenged Speaker Emeritus Calvin K.Y. Say's qualifications to serve as representative of the 20th Representative District and requested the renewal of the Voters' original requests on February 22, 2013, and October 6, 2014, to have the House investigate the qualifications of Speaker Emeritus Say to hold office as the representative of the 20th Representative District.

House Rule 14 gives the Speaker authority to appoint special committees for special or temporary purposes to consider and report on special or temporary matters referred to it and states:

Rule 14. Special Committee

14.1. The Speaker may appoint special committees for special or temporary purposes to consider and report on such special or temporary matters referred to it.

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

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

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

As Speaker of the House and pursuant to House Rule 14, I hereby appoint the following members to the Special Committee:

Representative Karl Rhoads, Chair
Representative John M. Mizuno
Representative Scott K. Saiki
Representative Cindy Evans
Representative Ken Ito
Representative Beth Fukumoto Chang

In carrying out its duties, the House and the Special Committee shall follow these procedures to address challenges relating to a member's qualifications unless the House otherwise determines:

Rule 1. All challenges to the qualifications of a person elected as a member of the House of Representatives shall be filed with the Chief Clerk. Any registered voter who lives in the member's district may file a challenge.

Rule 2. When a challenge is filed, the Chief Clerk shall report it to the Speaker who shall then, provided the challenge sets forth facts sufficient to warrant review and concerns the member's current term, appoint a special committee to consider the challenge, and refer it to the special committee.

Rule 3. The challenged member may continue to exercise the member's legislative functions while a challenge is pending, provided the Office of Elections has issued a certificate of election for the member.

Rule 4. The special committee shall convene as soon as practicable after a challenge has been referred to it and, after notifying the member whose qualifications are being challenged, shall investigate the challenge without delay. The special committee shall review relevant written documentation submitted by the petitioner and the challenged member. At the discretion of the chair of the special committee, the special committee may conduct hearings where the petitioner and the challenged member, or their respective attorneys, shall each be provided an opportunity to make a brief statement and answer questions from the special committee. Any hearings shall be open to the public, for which notice of at least forty-eight hours shall be provided.

Rule 5. Only compelling evidence shall be sufficient for the House to consider finding that the member does not have the requisite qualifications to serve.

Rule 6. Upon conclusion of its investigation, the special committee shall submit a report of its findings and recommendations to the House, at which time the House shall affirm or reject the report or take such other action as it determines.

If you have any questions, please call Denise Liu at 586-6100.