

*Eighteenth Northern Marianas Commonwealth Legislature*

*House of Representatives*

**RULES OF PROCEDURE**

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# HOUSE RULES

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## OFFICIAL RULES OF THE HOUSE OF REPRESENTATIVES

### **RULE I. ORGANIZATION OF THE HOUSE.**

#### **Section 1. Rules.**

The Rules of the House shall govern the conduct of business at all sessions of the House. If any question of procedure arises which is not specified in the Rules, it shall be decided by the Speaker, in accordance with Rule XVI, §2. Whenever the masculine gender is used it shall refer to masculine and feminine.

#### **Section 2. Officers of the House.**

(a) Elected Officers. The elected officers of the House shall be the Speaker, the Vice Speaker, and the Floor Leader. The Speaker, the Vice Speaker, and the Floor Leader shall be members of the House.

(b) Except as provided in Rule II, §1, the Speaker, Vice Speaker, and the Floor Leader, shall be elected by majority vote of the members of the house and by call of the roll or by any other legal means.

(c) Minority Leader. The Members of the House Minority may select one of their members to serve as Minority Leader, and such selection shall be reported to the House in a statement signed by all of the Members of the House Minority. The Minority Leader shall serve in such capacity at the pleasure of the Members of the House Minority, and shall perform such duties as such Members may assign.

#### **Section 3. Notification of Governor and Senate.**

At the first meeting of the first session of the House, the Speaker shall appoint a committee of two members to advise the Governor or his/her representative that the House of Representatives is organized and ready to receive any communication that he/she may be pleased to make. At the same time, a message shall be sent to the Senate to advise that body that the House is organized and ready to transact business. Such communications shall include notifications of the elections and appointment of the officers of the House.

**Section 4. No Suspension of Rule I.**

The Speaker shall not entertain a request for suspension of Rule I by unanimous consent or otherwise.

**RULE II. TERMS AND DUTIES OF OFFICERS.**

**Section 1. Terms of Office.**

The Speaker, Vice Speaker, and the Floor Leader shall hold office until the expiration of the Legislature to which they were elected to such office, or until such tenure be terminated at an earlier date by death, resignation or removal by the majority of the members of the House.

**Section 2. Speaker.**

The Speaker shall have the following powers and duties:

- (a) To preside over the House of Representatives;
- (b) To preside over the meetings of the House, taking the Chair at appointed hours and immediately calling the House to order;
- (c) To preserve order and decorum in debate, in the gallery, and elsewhere in the House;
- (d) To have general control, except as may be provided by law or the Constitution, of all buildings, grounds, and capital equipment of the House;
- (e) To assign each member a seat on the Floor of the House, and to change such assignment when he/she deems it appropriate;
- (f) To sign all acts, resolutions, writs, warrants, subpoenas, and other papers of, or issued by order of the House;
- (g) To decide all points of order and interpret the House Rules, subject to an appeal by any member to the House;
- (h) To put all questions before the House, pursuant to Rule XI, vote upon such questions, and announce the results thereof;
- (i) To officially receive all communications, lay such communications before the House, and dispose of such communications pursuant to Rule VI, Section 1;
- (j) To have general direction over all of the officers and employees of the House;
- (k) To designate any member as Speaker pro tempore to perform the duties of the Speaker; and in the absence of the Speaker, Vice Speaker, and Floor Leader, or upon their stepping down in order to join in Floor debate, and may withdraw such designation; provided, that in the absence of the Speaker, Vice Speaker, Floor Leader, and any Speaker pro tempore, the House shall proceed to elect by motion an acting Speaker pro tempore;

(l) To designate any member, or employee of the House to travel on the business of the House, within or without the Commonwealth;

(m) To direct and employ such persons as he/she may deem necessary to protect the interests of the House and its members and employees in a lawsuit as long as:

1. The House of Representatives is a party; or

2. A member is a party and the lawsuit arises out of the course and scope of the member's capacity as an elected representative; or

3. An employee is a party and the lawsuit arises out of the course and scope of the employee's employment with the House of Representatives.

(n) To administer the oath of office to any member, officer or employee of the House and designate any other person to administer such oath;

(o) To call a recess at any time during a session which is not subject to approval by or appeal to the House; and

(p) To have the sole authority to assign or remove a chairperson of a standing committee. This authority shall not be subject to appeal to the House. When the Speaker is absent or incapacitated pursuant to Rules II, Section 3, the Vice Speaker is prohibited from assigning or removing any chairperson of a standing committee or use of the leadership funds or account without the prior written approval of two-third of the Members of the House Leadership.

(q) To perform such other duties as required by law or the Rules of the House, or as may be appropriate to the office of the Speaker.

**Section 3. Vice Speaker.**

The Vice Speaker shall exercise all the duties and powers of the Speaker in the absence of the Speaker from the Commonwealth or in the Speaker's incapacity due to illness, and any other duty which he/she may be assigned by the Speaker of the House.

**Section 4. Floor Leader.**

It shall be the duty of the Floor Leader:

(a) To serve as Floor Leader during sessions of the House, proposing routine motions which otherwise contribute to the orderly and speedy conduct of business, raising points of order calling attention to violations of Rule V. Section 5, and acting as Floor manager in aid of the adoption of the bill or resolution when another member does not assume that task;

(b) To have the sole authority to prepare the calendar, rules and/or agenda for each session. The Floor Leader shall consult regularly with the Speaker on the calendar, rules and/or agenda to facilitate a productive and smooth session.

(c) To have the sole authority to recall any bill, report, resolution and/or other legislative document from committee. This authority to recall shall not be subject to appeal to the House.

(d) To have the sole authority to pass on the calendar and/or agenda on any item. This authority to pass on the calendar and/or agenda shall not be subject to appeal to the House.

(e) To administer the oath to any member in the absence of the Speaker and Vice Speaker from time to time;

(f) To perform the duties of the Presiding Officer in the absence of the Speaker and Vice Speaker from the Commonwealth or their incapacity due to illness; and

(g) To perform such other duties as the Speaker of the House may designate.

**Section 5. Clerk.**

The Clerk shall have the following duties:

(a) To receive certificates of election from the Board of Elections following each general election, prepare the roll of the members-elect to the House of Representatives of the next Legislature. Proceed to call the roll of the members-elect by Election District;

(b) To prepare the Journal of the House pursuant to Rule XIV;

(c) To engross all House Bills and House amendments to Senate bills, enroll all House bills agreed to by the Senate, certify or attest to the passage of all bills and resolutions, and attest to all writs, warrants, subpoenas, and other papers issued by order of the House;

(d) To have charge of all the records of the House and never permit any paper thereof to be withdrawn from his keeping, unless ordered by the House;

(e) To assist the House in the conduct of its business by transmitting messages and papers, reading bills, resolutions, amendments, motions, and other questions, calling the roll, to assist the Floor Leader in preparing the Calendar, Rules or Agenda, receiving messages on behalf of the Speaker; and

(f) To perform such other duties as required by the Speaker pursuant to the House Rule or Law.

**Section 6. Sergeant-At-Arms.**

The Sergeant-At-Arms shall have the following duties:

(a) To attend the House on every day of meeting;

(b) To maintain order under the direction of the Presiding Officer;

(c) To notify the Speaker on the attendance of any person with communication or otherwise;

(d) To attend upon committees if requested by the Chairperson;

(e) To execute the commands of the House and serve any order or process issued by authority thereof, as directed by the Speaker;

(f) To make all required arrests of members or other persons and to restrain the same in custody, as directed by the Speaker;

(g) To prevent anyone from entering the Floor of the House Chamber during a meeting of the House, except members, officers, authorized employees of the House, and guests of the House; and

(h) To perform such other duties and responsibilities as required by the Speaker pursuant to the House Rule or Law.

### **RULE III. SESSIONS AND MEETINGS.**

#### **Section 1. Schedule of Sessions.**

(a) The House shall meet in six Regular Sessions, as follows:

(1) First Regular Session, for not more than sixty (60) days from the Second Monday of January of the first year through April 1 of the first year;

(2) Second Regular Session, for not more than thirty (30) days after July 31 of the first year;

(3) Third Regular Session, for not more than sixty (60) days before April first of the second year;

(4) Fourth Regular Session, for not more than thirty (30) days after July 31 of the second year;

(b) Between Regular Sessions the Speaker of the House may call Special Sessions for not more than ten consecutive days.

(c) Pursuant to the Constitution, the House may be called into Special Session by the Governor between Regular Sessions. A Special Session called by the Governor is limited to only those subjects described in the call. A Special Session called by the Governor shall continue until it has completed consideration of the subjects described in the call, but in no event for more than ten consecutive days.

#### **Section 2. Schedule of Meetings Sessions.**

The House shall meet regularly not more than three times per week for the transaction of business during sessions at times designated by the Speaker. Once a session is properly noticed and convened, it may be recessed to continue to a later time and date as necessary to address the agenda, provided that rules concerning agenda items are followed.

#### **Section 3. Place of Meetings Sessions.**

The House shall meet at the House Chamber at Capitol Hill, Saipan, Northern Mariana Islands, or as designated by the Speaker.

**Section 4. Public Sessions.**

Sessions of the House and joint sessions of the House and Senate shall be open to the public, except that the House may meet in executive sessions if authorized by the affirmative vote of two-thirds of the members and otherwise in accordance with The Open Government Act, 1 CMC §9901 et. seq. Final action on any legislative matter may not be taken in executive sessions.

**Section 5. Joint Sessions.**

A joint session of the House and Senate may be called when the President and the Speaker deem it necessary. Joint sessions shall be held at the time and place designated by the joint call of the two presiding officers. The Speaker shall preside at joint sessions but the President shall sit beside him. The joint call shall state the rules of procedure for the joint session and shall be adopted at the joint session.

**Section 6. Notice of Sessions.**

Not less than 24 hours prior to convening a Regular or Special Session, the Speaker or a majority of the members of the House, shall file a written public notice of the date, time, and place of a session with the Clerk and post the same at the executive branch administration building. When possible, notices under this Section shall appear in at least one newspaper of general. Notices shall contain an agenda of items to be considered at the session. Final disposition shall not be taken on any other matter at such session. Once filed as part of this notice, and agenda may only be changed by adding items thereto by the recorded vote of the majority of the members of the House.

**Section 7. Emergency Meetings Sessions.**

If, by reason of typhoon, flood, or fire, or law enforcement or other emergency, there is need for expedited action by the House to meet the emergency, the Speaker may provide for a meeting site other than the regular meeting site and notice requirements shall be suspended during such emergency. In the event of an emergency meeting the House:

- (a) State in writing the reasons for its finding that an emergency exists;
- (b) Take a vote whereby two-thirds of all members of the House agree that an emergency exists;
- (c) File an emergency agenda and the findings on the emergency with the Clerk.

**RULE IV. ATTENDANCE AND QUORUM.****Section 1. Attendance.**

Every member shall be present in the House chamber during its meetings unless he/she has given prior written or verbal notice to the Speaker and has the approval of the Speaker to be absent, subject to appeal to the House if the Speaker declines to grant such approval.

**Section 2. Quorum.**

(a) A majority of the members of the House shall constitute a quorum. Except as provided in clause (d) of this Section, any member, or the Speaker on his own initiative, may make a point of order to suggest the absence of a quorum. The Presiding Officer shall thereupon

immediately count the members present in the House Chamber and announce the result. A majority of less than a quorum, but not fewer than five members including the Speaker, may order a call of the House to compel the attendance of absent members. Otherwise, the House shall adjourn to the next regular or special meeting date.

(b) Under a call of the House, the Clerk shall call the roll, and absent members for whom no sufficient excuse is made shall be sent for and arrested, wherever they may be found, by the Sergeant-At-Arms or officers appointed by the Speaker, and the attendance of such members secured and retained, and the House shall determine upon what conditions they shall be discharged. Members who voluntarily appear shall not be subject to arrest and shall report to the Clerk who shall enter their names upon the Journal as present. On demand of any member or at the suggestion of the Speaker, the presence of members sufficient to make a quorum who do not answer to roll shall be recorded by the clerk and counted in determining the presence of a quorum.

(c) Whenever a quorum fails to vote on a question and the vote is objected to for that cause and a point of order that a quorum is not present is sustained, there shall be a Call of the House, unless the House adjourns, and members responding to the call shall record their presence by voting "Yes" or "No" on the question: Provided, that any member arrested shall be brought before the House, noted as present, discharged from arrest, and given an opportunity to record his vote. If those voting and those present who decline to vote together make a majority of the House, the Speaker shall declare a quorum present, and vote shall be decided by the majority of those voting, and further proceedings under the call shall be considered as dispensed with.

(d) It shall not be in order to make or entertain a point of order suggesting the absence of a quorum before or during the prayer, during the administration of the oath, during the reading of the Journal, during a Call of the House, or during the consideration of miscellaneous business, announcements, or adjournment. Once the presence of a quorum is established, no such point of order may be made or entertained until additional business intervenes.

### **Section 3. Calls of the Roll.**

(a) Upon every Call of the Roll (other than the Clerk's Roll at the opening of the First Regular Session of a Legislature), the names of the members shall be called alphabetically by surname, except that if two members have the same surname the whole name shall be called.

(b) After calling the names of all the members, the Clerk shall call again the names of members not responding to the first call. Members appearing after the second call, but before the result is announced may vote or announce their presence as appropriate to the call. The Clerk shall enter the names of absent members upon the journal.

### **Section 4. No Suspension of Rule IV.**

The Speaker shall not entertain a request for the suspension of Rule IV by unanimous consent or otherwise.

## **RULE V. DECORUM AND DEBATE.**

### **Section 1. Language of Proceedings.**

Legislative proceedings may be conducted in English, Chamorro or Carolinian, as deemed appropriate by the Speaker.

### **Section 2. Sitting in or Entering the Chamber.**

No member may sit at the desk of the Speaker, or of another member, or of the Clerk, except by permission of the Speaker. Only members, officers, and authorized employees of the House may enter upon the Floor of the House during a session. At the invitation or with the permission of the Speaker, other persons may enter upon the Floor of the House during a session.

### **Section 3. Communications Media.**

The Speaker may assign a portion of the gallery or other area for use of members of the press and other representatives of the public communications media desiring to report the proceedings of the House to the public: Provided, that such use shall not be permitted to interfere with such proceedings.

### **Section 4. Recognition.**

When a member desires recognition, he/she shall raise his/her hand and address the Speaker. When recognized, he/she shall confine himself/herself to the question under debate and the purpose for which he/she sought recognition. The Speaker shall not recognize a member for the purpose of speaking to a motion for a second time until every member wishing to speak on the question has had an opportunity to be heard. Only members and legal counsels may address the House while it sits in session except when the House sits as a Committee of the Whole.

### **Section 5. Holding the Floor and Manner of Address.**

(a) A member shall continue to hold the Floor until such time as he/she ceases to speak on the question or otherwise yields the Floor, except that no member may speak more than five minutes each time he/she is recognized: Provided, that no member shall be recognized to speak more than twice upon consideration of a Bill or Resolution.

(b) A member shall refer to his/her fellow members as "Mr. or Ms. \_\_\_\_\_", and all personal references shall be avoided.

(c) No member shall hold the Floor nor speak for more than five minutes during Miscellaneous Business and Announcements. No member shall debate another member during Miscellaneous Business and Announcements.

### **Section 6. Closing Debate and Voting on the Question.**

The Speaker or Floor Leader may close debate and call for a vote on the question before the House, at any time that he/she is satisfied that every member desiring to speak on the question has spoken or has had an opportunity to do so, subject to the objection of any member which shall be decided upon appeal to the House. Alternatively, he/she may entertain at any time a motion for the previous question, pursuant to Rule X, Section 8.

**Section 7. Point of Order.**

When a member believes the Rules are being violated, he may interrupt the proceedings to make a point of order. When recognized, he/she shall specify the rule being violated. The point of order is not debatable; however, the Speaker, before ruling under Rule II, Section 2(g), may permit the member additional time to be heard on such point of order and may permit such other member to speak to such point, as he/she deems appropriate. If the ruling of the Speaker is appealed to the House, the member raising the point of order and the Speaker shall each have five minutes to explain their positions on the ruling to the House.

**Section 8. Dress Code.**

All members, and officers appearing on the Floor of the House shall be suitably attired. Male Members shall wear shirt, tie, slacks and shoes.

*[Note: Rule V, Section 8, amended by H. RES. 18-17]*

**Section 9. Interruptions.**

No member may engage in private conversations when the Speaker or another member is speaking. When the Speaker is putting a question or addressing the House, no member may leave the Chamber nor walk between a member who is speaking and the Speaker. Electronic communication devices such as cell phones, pagers, etc., are prohibited at all times in the House Chamber, except by order of the Speaker.

**Section 10. Disorderly Manner of Members.**

No member shall conduct himself/herself in a disorderly manner during any session of the House. Disorderly conduct includes the use of profane language during House proceedings. If the member shall persist in his/her disorderly conduct, the Speaker may order the Sergeant-At-Arms to take such action as the Speaker deems necessary to restore and maintain order.

**Section 11. Discipline of Members.**

The House may discipline its members by censure, or by such other punishment as the House may deem proper, for disorderly conduct, neglect of duty, or violation of the oath of office. The House may also suspend or expel a member by a three-fourths vote of the total membership of the House, for commission of treason, a felony, breach of the peace, or violation of the Rules.

**Section 12. Disturbance.**

In case of disturbances or disorderly conduct that renders the orderly conduct of a session or meeting unfeasible and order cannot be restored by the removal of the individuals who are interrupting the meeting, the Speaker may direct the Sergeant-at-Arms to clear the House of all persons, except members, officers and authorized employees in order to abate the disturbance or disorderly conduct. In the alternative, the House or committee may adjourn the meeting and reconvene at another location selected by majority vote of the members. In such session, final disposition may be taken only on matters appearing on the agenda. Representatives of the press and other news media, except those participating in the disturbance, shall be allowed to attend any session or meeting held pursuant to this Section. The House or committee may readmit an individual or individuals not responsible for disturbing the orderly conduct of the meeting.

## **RULE VI. ORDER OF BUSINESS.**

### **Section 1. Order of Business.**

After prayer or a moment of silence, the daily order of business in the House shall be as follows:

- (1) Roll Call;
- (2) Public Comments;
- (3) Reading and Approval of the Journal of the Day unless the House, by motion, dispenses with such reading;
- (4) Prefiled and Introduction of Bills;
- (5) Prefiled and Introduction of Resolutions;
- (6) Messages from the Governor;
- (7) Bills, resolutions, and other matters from the Senate, which shall be reported to the House and referred to committees, placed on the appropriate calendar or otherwise disposed of;
- (8) House communications;
- (9) Reports and communications from the Judiciary Branch;
- (10) Reports and communications from heads of departments and agencies;
- (11) Other Communications;
- (12) Reports of Standing Committees;
- (13) Reports of Special and Conference Committees;
- (14) Unfinished business, upon which the House was engaged at the time of its last adjournment;
- (15) Resolution Calendar;
- (16) Bill Calendar including First and Second Reading of House Bills and Senate Bills;
- (17) Miscellaneous Business;
- (18) Announcements.

**Section 2. Same; First Day of First Regular Session.**

Notwithstanding the provisions of Section 1 of this Rule, the order of business on the first day of the First Regular Session shall be as follows:

- (1) Call to Order;
- (2) Opening Prayer;
- (3) Call of the Roll by Election Districts;
- (4) Swearing-In of members;
- (5) Adoption of House Rules;
- (6) Election of Speaker;
- (7) Election of Vice Speaker;
- (8) Election of Floor Leader;
- (9) Notification of Senate and Governor;
- (10) Communications;
- (11) Statement by members;
- (12) Announcements;
- (13) Adjournment.

**Section 3. Interruptions of Order of Business.**

(a) Except as provided in subsection (b), privileged matters which may interrupt the order of business, upon recognition by the Speaker, are as follows:

- (1) Motions to adjourn, or to adjourn to a day and time certain;
- (2) Motions to recess for or to a set time or to the Call of the Presiding Officer;
- (3) Reception of messages;
- (4) Disposal of veto messages;
- (5) Consideration of conference reports or amendments between the Houses;
- (6) Motions to request or agree to a conference;
- (7) Questions of privilege.

(b) Matters set forth in subsection (a) shall not interrupt a member who has the Floor unless the member yields, nor shall they interrupt any vote of Call of the Roll, nor be in order in the Committee of the Whole, except questions of privilege arising from the proceedings therein.

## **RULE VII. COMMITTEES GENERALLY.**

### **Section 1. Types of House Committees.**

There shall be standing committees created by the Rules. Special committees may be established by the Speaker as required to conduct investigations, consider and report on such special or temporary matters as are referred to them. Conference committees shall be established by the Speaker, if the House requests or agrees to a conference to consider differences between the House and the Senate on any matter requiring agreement between the two Houses. Special and conference committees shall be temporary committees which shall remain in existence until discharged by the Speaker, subject to appeal to the House. The House may, by a majority vote of the members present and voting, resolve itself into the Committee of the Whole, consisting of the entire membership of the House, whenever, it decides to consider a matter as a committee. The Committee of the Whole shall remain in being until such time as it dissolves itself and reports back to the House. A quorum in the Committee of the Whole shall be the same as in the House.

### **Section 2. Orders of the House.**

All committees of the House shall be subject to the orders of the House and shall faithfully carry out such orders.

### **Section 3. Powers and Authority of Committees.**

Each committee of the House is hereby authorized to study and analyze all facts relating to the subject which would fall within its jurisdiction as indicated by the Rules, including necessary revision of existing laws, other legislation relating to such subjects, investigate the need for legislation in a particular area, and to oversee activities carried out pursuant to laws regarding such subjects, and for such purposes shall constitute an investigating committee. Witnesses may be summoned and examined, documents and records searched and examined in accordance with Section 14(b), Article II of the Constitution, and everything shall be done to bring all facts pertaining to the matter before the House.

### **Section 4. Duties of Committees.**

It shall be the duty of the a committee to make a diligent and careful inquiry and investigation into all of the facts and circumstances connected with bills, resolutions or other matters referred to it, and to report its recommendations on any matter it deems worthy of consideration by the House.

### **Section 5. Meetings.**

(a) Meetings of the committees shall be open and public in accordance with 1 CMC §9901, et. Seq. The Open Government Act. No committee may sit at a time when the House is meeting.

(b) Three members of a committee shall constitute a quorum to hold a public hearing or meeting. Proxy voting shall not be permitted. The rules of the House shall govern the meetings of committees, insofar as they are applicable. Committees may adopt additional rules to govern their procedures.

(c) The Chairperson of a standing or special committee may arrange for a public hearing or a joint meeting of his committee with another committee of the House or the Senate.

(d) Notice of committee meetings shall be provided in accordance with Rule III. The public shall be given opportunity to comment at committee meetings.

**Section 6. Attendance.**

Every committee member shall be present at committee meetings called by the Chairperson, unless the committee member has given prior verbal or written notice to the Chairperson and has the approval of the Chairperson to be absent.

**Section 7. Appointment and Removal of Members.**

(a) Members of special and conference committees shall be appointed by the Speaker, subject to appeal of the House.

(b) Members of standing committees shall be appointed by the Chairperson. The Speaker shall not serve on any standing committee.

(c) The Speaker may have the right to remove a Chairperson, Vice-Chairperson, or member from a committee with the approval of a majority of the House Standing Committee Chairpersons.

**Section 8. Chairperson and Vice Chairperson.**

(a) The Chairperson and Vice-Chairperson of each standing, special or conference committee, and the Chairperson of the committee of the Whole for each individual matter referred to it, shall be appointed by the Speaker.

(b) The Chairperson of each committee shall call meetings, preside at committee meetings, prepare and post the agenda, invite witnesses to appear before the committee, and prepare committee reports subject to the requirements of the Rules. The Vice-Chairperson shall perform the duties of the Chairperson in his absence.

**Section 9. Committee Reports; Other documents.**

(a) Standing or Special Committees shall submit a written report to the Speaker within 60 days from the date the matter was referred to the committee, unless a shorter or longer time is ordered by the Speaker pursuant to a decision by the House Leadership. Subcommittees shall submit reports on matters referred to them as prescribed by the Standing Committee Chair. Standing, special and conference committees shall submit their reports in writing and provide an electronic copy to the Clerk who shall number the reports consecutively in the order received, cause such reports to be reviewed for legal sufficiency, reproduced, and furnished each member of the House at least twenty-four hours prior to the session at which it is to be considered. A

committee report shall state findings of facts and conclusions based thereon together with a specific recommendation as to the manner in which the bill, resolution, or other matter referred to the committee should be disposed of by the House. A report recommending a bill or resolution for passage shall clearly state the purpose of the bill. A report on a bill or resolution shall show clearly any proposed amendments and the Clerk shall place such a bill or resolution on the appropriate calendar.

(b) A report shall be considered adopted by a committee when the Chairperson and a majority of the members of the committee have signed the report concurring therein. A member or members not concurring in the report of the majority may so indicate by submitting a minority report which shall be attached to the committee report or by signing with "I do not concur".

(c) When a committee recommends that a bill or resolution be formally filed (indefinitely postponed), the recommendation is reported to the House floor as a committee report to be confirmed by majority vote. Adoption of the committee report by the members has the effect of officially filing the bill.

(d) When, by majority vote, the House adopts a committee report recommending favorable action on a bill or resolution, the bill or resolution as reported by the committee shall be placed on the appropriate calendar for House floor action.

(e) All documents, testimonies, or other evidence submitted to any standing or special committee or subcommittee in connection with any matter referred to the committee or subcommittee shall be the property of the House. The Chair of any committee or subcommittee shall deliver all such documents, testimonies, or other evidence to the House Clerk upon expiration of the term of the House.

### **Section 10. Rights of Members.**

A majority of the members of a committee may require the Chairperson to place any bill, resolution or other matter referred to the committee on the agenda for the committee consideration, to submit any bill, resolution or other matter to the committee for its decision, to report promptly any bill referred to the committee, and to call up such bill for prompt consideration by the House and to request that the House discharge the Committee from further consideration of any matter which has been referred to it.

## **RULE VIII. STANDING COMMITTEES.**

The Standing Committees of the House of Representatives shall be as specified herein.

### **Section 1. Ways and Means.**

The Committee on Ways and Means shall consist of not more than 12 members, including at least one member representing Rota and one member representing Tinian and Aguiguan, and a member of the Minority. It shall be the duty of this Committee to consider all bills, resolutions and other matters referred to it by the House relating to taxes and other revenues; proposed expenditures; government contracts; government bonds; federal grants; the financial administration of the Commonwealth of the Northern Mariana Islands; wages, and related matters. Bills, and resolutions or other matters referred to the Committee on Ways and

Means pertaining to the subject matter of another standing committee may be referred by the Committee on Ways and Means to such committee for preliminary examination and report.

**Section 2. Natural Resources.**

The Committee on Natural Resources shall consist of not more than eight members. It shall be the duty of this committee to consider and report on all bills, resolutions and other matters referred to it by the House pertaining to the state of the natural resources of the Commonwealth, including long range planning and policies; fisheries and ocean resources; public lands and land taking; housing; building and zoning codes; land management; parks and recreation; water and soil conservation; energy and related matters.

**Section 3. Health and Welfare.**

The Committee on Health and Welfare shall consist of not more than seven members. It shall be the duty of this committee to consider and report on all bills, resolutions and other matters referred to it by the House pertaining to health care and planning, including mental and environmental health; consumer protection; environmental protection; the social well-being of the people, including youth and senior programs; food stamp and welfare programs.

**Section 4. Judiciary and Governmental Operations.**

The Committee on Judiciary and Governmental Operations shall consist of not less than seven members and not more than nine members. It shall be the duty of this Committee to consider and report on all bills, resolutions and other matters referred to it by the House pertaining to civil and criminal law; traditional rights; judicial administration and organization; governmental organization; judicial and executive appointments; suffrage and elections, citizenship, statute revision; civil service, inter-island relations; labor and immigration conditions of employment, conditions of entry into the Commonwealth, deportation and related matters.

*[Note: Rule VIII, Section 4., amended by H. RES. 18-53, HD1]*

**Section 5. Federal and Foreign Affairs.**

The Committee on Federal and Foreign Affairs shall consist of not more than seven members. It shall be the duty of the this Committee to consider and report on all bills, resolutions and other matters referred to it by the House pertaining to the relationship of the people of the Commonwealth to the United States, United Nations, and foreign countries; programs partially or totally funded by the United States Government; Pacific Islands government relations and assistance; matters to military and veterans affairs; claims arising out of the use, lease, or taking of Commonwealth land by the federal government; and related matters.

**Section 6. Committee on Commerce.**

The Committee on Commerce shall consist of not more than seven members. It shall be the duty of this Committee to consider and report on all bills, resolutions and other matters referred to it by the House pertaining to business and commerce; banking and insurance related matters.

**Section 7. Committee on Tourism.**

The Committee on Tourism shall consist of not more than seven members. It shall be the duty of this Committee to consider and report on all bills, resolutions and other matters referred to it by the House pertaining to tourism related matters.

**Section 8. Committee on Public Utilities, Transportation and Communications.**

The Committee on Public Utilities, Transportation and Communication shall consist of not more than nine members. It shall be the duty of this Committee to consider and report on all bills, resolutions and other matters referred to it by the House pertaining to public utilities; public works; communications; roads; ports; transportation; and related matters.

*[Note: Rule VIII, Section 8., amended by H. RES. 18-53, HD1]*

**Section 9. Committee on Education.**

The Committee on Education shall consist of not more than nine members. It shall be the duty of this Committee to consider and report on all bills, resolutions and matters referred to it by the House pertaining to all matters, programs, and concerns on education.

*[Note: Rule VIII, Section 9., amended by H. RES. 18-53, HD1]*

**RULE IX. BILLS, RESOLUTIONS AND AMENDMENTS.**

**Section 1. Property of the House.**

All bills and resolutions prefiled or introduced in the House, and committee reports thereon, shall be deemed the property of the House, under its control, and shall constitute a public record.

**Section 2. Types of Bills and Resolutions.**

The following types of bills and resolutions may be considered in the House subject to the right of the Senate to designate measures originating in that body by titles different from those indicated:

(a) A House Bill (H.B.) or Senate Bill (S.B.), which shall propose new law, changes in or repeal of existing law, or appropriation.

(b) Resolutions:

(1) A House Concurrent Resolution (H. Con. Res.), which is a resolution of one house in which the concurrence of the other House is desired, such as budget resolutions, and correction of enrolled bills.

(2) House Joint Resolution (H.J.R.) or Senate Joint Resolution (S.J.R.), which expresses the sentiments of the entire Legislature on a given subject, or provides for action to be taken jointly by the two Houses, such as convening of a joint session.

(3) House Resolution (H. Res.), which expresses the sentiments or will of the House alone and requires action only by the House.

(4) Commemorative resolutions (C. Res.) are hereby defined as resolutions expressing praise, approval, congratulations or condolences of the House upon incidents or occasions of particular public interest, including but not limited to state funerals, outstanding individual achievement by Commonwealth athletes, scholars, or artists, days of national celebration or mourning, etc. Commemorative resolutions may be temporarily enacted upon the request of a simple majority of the members and by signature of the Speaker and the House Clerk. Such a temporary enactment shall be valid and in force until the next House meeting. If the commemorative resolution is duly approved by a majority of a quorum, then it shall be permanently enacted and shall be entered into the House record. If the commemorative resolution is not approved in session, the resolution will be canceled and will lose all validity and effect.

### **Section 3. Local Bill.**

(a) A local bill may be introduced by one or more members from the senatorial district to which the bill is intended to apply and shall be in the form prescribed in these rules for all other bills but subject to 1 CMC Sections 1406 and 1407.

(b) A local bill shall lie on the desks of the members for three legislative days during which time any member may move that the bill is not a local matter that may be the subject of laws enacted by members from the respective senatorial district.

(c) The objecting member shall state the reasons for the motion. In the event that the motion is adopted, the bill shall be treated and considered as though it had been introduced in the form prescribed in these rules for bills other than local bills. In the event that the motion is not adopted or no motion is made within the prescribed time, the bill shall be referred to the appropriate senatorial district delegation.

(d) The Mayor of each respective Senatorial District shall have 30 days in which to review and comment on all local bills in accordance with 1 CMC Section 1405.

### **Section 4. Format of Bills and Resolutions.**

(a) All members must provide an electronic copy of all bills and resolutions introduced to the House Clerk.

(b) All bills and resolutions shall be printed out two spaces upon paper which is traditional letter size, leaving a left margin of two inches and with the number appearing on each line at the left margin.

(c) Bills and resolutions for introduction shall be submitted in an original, which shall be signed by the member introducing the measure at the last page thereof, and the name of such member shall be typed or printed legibly under the signature. The introducer thereof may permit other members to affix their signatures to the measure. When a member wishes to indicate he is introducing a measure by specific request without necessarily agreeing with it, he may affix the words "(By Request)" after his signature.

(d) Bills and resolutions for introduction may be prefiled with the House Clerk for formal introduction at the next session, provided that it is pre-filed not less than 24 hours before that session and appears on the session agenda as required under Rule III. The 24-hour notice and agenda requirements may be dispensed with only in accordance with Rule III.

(e) All bills must be reviewed by the Legislative Counsel for legal sufficiency prior to prefilings or introduction on the floor except that a bill may be prefiled or introduced on the floor without such review if the bill is referred to an appropriate committee pursuant to Rule IX, Section 8(a). Furthermore, all floor amendments to initiatives, bills, and resolutions, shall be reviewed by legal counsel prior to introduction on the floor. Subject to legal sufficiency, a floor amendment shall be signed either for legal sufficiency or "for introduction purposes only" prior to any vote on the adoption. This provision shall not apply to verbal floor amendments upon suspension of applicable rules.

(f) The author of a pre-filed bill and resolution may authorize any co-sponsor or other member to formally introduce a bill or resolution on the floor if the author is absent during a session. Such authorization must be in writing.

(g) The title of all bills and resolutions introduced or pre-filed with the House Clerk shall be clearly written to express the intent and purpose of the measure. The mere or sole act of stating or identifying the existing Section of the Commonwealth Code to be amended is prohibited.

#### **Section 5. Numbering of Bills and Resolutions.**

House bills and resolutions shall be dated by the Clerk on the day introduced, and shall be numbered by the type of measure followed by numerals in consecutive order, corresponding with their respective order of introduction. The first time a House Bill, Senate Bill, or resolution is reprinted after being amended in the House, the designation "H.D.1" shall be appended after the number designation of the bill or resolution to indicate "House Draft 1". Each time the bill or resolution is subsequently amended in the House, the number designation shall be increased by one, and only the latest such designation shall appear.

#### **Section 6. Form of Bill.**

To pass First and Second Reading, each bill shall:

(a) Contain an enacting clause reading: "Be it enacted by the Eighteenth Northern Marianas Commonwealth Legislature";

(b) Embrace but one subject and matter properly connected with it, which subject shall be expressed in the title, all in accordance with Article II, Section 5 (b) of the Constitution.

#### **Section 7. Duplication and Distribution of Bills and Resolutions.**

The Clerk shall provide each member with a copy of each bill and each resolution and each amended copy thereof, prior to First Reading following the report with amendments by a committee, at the time of transmittal from the Senate, or after amendment of the floor if otherwise required by this Rule.

**Section 8. Referral of Bills and Resolutions.**

(a) Bills and resolutions shall be read by title upon introduction and (except as provided in subsection (b), the Speaker shall refer such measures to an appropriate committee or to more than one committee, jointly or sequentially. The Clerk shall endorse such reference on the measure before duplication and shall enter such reference upon the Journal. In the case of error of reference, correction may be made by the House, with debate, immediately after the reading and approval of the Journal, by unanimous consent, or upon motion of either committee claiming jurisdiction or the committee to which the measure has been erroneously referred.

(b) The Speaker may place a resolution directly on the Resolution Calendar, rather than refer it to a committee, subject to appeal to the House.

**Section 9. First Reading of Bills and Resolutions.**

(a) When a bill or resolution is read in the House the first time, the Clerk shall report the bill by title, unless a majority orders it read in full, or by such subdivisions as the motion to read may indicate. The House shall then proceed to debate the measure, and no other amendment shall be in order until all committee amendments shown in the Committee Report are disposed of, except that such committee amendments shall themselves be subject to amendment. At the conclusion of debate the House shall vote on passing the measure on First Reading after affording an opportunity for one motion to recommit with or without instructions. If the Measure passes with amendments, the Clerk shall engross such amendments and cause the measure, or any page thereof, to be reprinted as provided in Sections 4 and 6 of this Rule.

(b) If a bill passes First Reading, the Clerk shall place it on the Bill Calendar for Second Reading the next legislative day.

(c) First Reading of a resolution shall be the only and final reading, and upon its passage, the Clerk shall dispose of it pursuant to Section 14 of this Rule.

**Section 10. Second Reading of Bills.**

(a) When a bill is read in the House a second time, it shall be considered in the same manner as for First Reading, except that further amendments shall be in order without regard to whether or not they are proposed by the committee reporting the bill.

(b) Second Reading of a bill shall be the final reading, and upon its passage, which shall be by Call of the Roll, the Clerk shall dispose of it pursuant to Section 14 of this Rule.

**Section 11. Public Comment on Bills and Resolutions.**

(a) Except as otherwise provided in these rules, prior to enacting a bill or resolution introduced in the House, the House or committee thereof shall in the case of bills and resolutions introduced in the House and may in the case of other bills or resolutions, afford interested persons the opportunity to submit, data, views, or arguments, orally or in writing. The House or a committee thereof may convene a committee meeting, a public hearing, or other open and public meeting to receive testimony. Agendas of such open and public forums shall comply with notice requirements of Rule III and may consider a single or multiple bills or resolutions.

(b) Prior to a vote on final passage, the Speaker and Clerk shall confirm that a bill or resolution has been offered for public comment in conformity with these rules. Except for commemorative resolutions, no bill or resolution that has not been offered for public comment shall be finally passed.

### **Section 12. Amendments.**

Amendments to bills or resolutions may be offered on the Floor by any member; provided, that the proposed amendment is in writing and is germane to the measure. Such amendment shall be read by the Clerk. If the Speaker, subject to appeal, deems it necessary, the Clerk shall reprint any portion of the measure affected by passage of any amendment, prior to a vote on passing the measure. No amendment proposing legislation shall be in order on an appropriations bill. Only two degrees of amendment are in order, except that a member may offer a substitute amendment embracing the same subject to one additional degree of amendment. If an amendment is defeated it shall not be in order again during the same reading of a measure.

### **Section 13. Amendments Between the Houses; Conference Reports.**

(a) If the Senate returns a bill or resolution to the House with any amendment, the House may concur in the amendment, disagree to the amendment, defer consideration indefinitely or to a date certain, or refer the amendment to the Committee of original jurisdiction. If the House disagrees to the amendment, it may request or agree to a conference with the Senate. Be it further provided that prior to transmittal to the Senate, the House Clerk shall identify by specific document or version number the actual document reviewed by House Legal Counsel for purposes of identifying the House version that was reviewed and transmitted.

(b) If the Senate disagrees to a House amendment, the House may recede from its amendment. The House may otherwise insist on its amendment, and may request or agree to a conference with the Senate.

(c) The House may recede at any time from its disagreement with a Senate amendment and may concur in the Senate amendment.

(d) In a conference committee, the House conferees shall vote among themselves on any issue and shall not combine their votes with those of the conferees on the part of the Senate. A quorum of the House conferees shall be sufficient to transact any business on behalf of the House.

(e) A conference report shall be printed as a report on the House and shall contain a signature of the majority of the conferees on the part of each House. Such report shall recommend what action each House should take, including any amendment which should be adopted, and may report amendments remaining in disagreement. The House shall not consider a conference report until it has been available to the members for at least one calendar day. A conference report may not be amended, and if both Houses pass the conference report (and dispose of any amendments in disagreement) the measure shall be considered adopted. The House may vote to recommit a report to the conference committee. If the House defeats a motion to agree to a conference report, it shall be in order to consider a motion to request a further

conference, with or without instruction to the House conferees. The Speaker may appoint new conferees if the conference is unable to reach agreement or upon the order of the House.

(f) The Clerk shall inform the Senate regarding any action taken pursuant to this Section, and if any matter remains in disagreement he shall return the measure to the Senate without further order by the House.

#### **Section 14. Disposal of Adopted Measures.**

(a) The Clerk shall attest to the passage of any bill, resolution or amendment requiring action by the Senate, and transmit such matter to the Senate as promptly as possible, noting the date of such passage. The Clerk may without further action by the House correct all clerical errors of form and content prior to any transmittal.

(b) The Clerk shall enroll any House bill which passed both the House and the Senate in identical form, obtain a signature of the Speaker, and shall transmit a single original copy to the Governor without delay, authenticating it by his signature thus certifying and attesting to the accuracy of the bill so transmitted.

(c) The Clerk shall prepare in final form and obtain the signature of the Speaker on any adopted House Resolution, or the signature of the presiding officers of both Houses on any House Joint or Concurrent Resolution, which has passed both Houses in identical form, and shall transmit signed originals or copies to the addressees, if any without delay, authenticating them by his signature (and that of the Senate Clerk if appropriate), thus certifying to their accuracy.

(d) The Clerk shall compare any Senate bill or resolution, which has passed both Houses in identical form and which has been prepared by the Senate in final form and received by the House for his signature, with the Journal or other papers of the House. If the measure has been properly prepared, the Clerk shall obtain the signature of the Speaker, attest to the fact and date of House passage and return the measure to the Senate without delay.

(e) If the Clerk notes any error in any Senate bill or resolution received by the House for signature, he shall return such measure to the Senate for correction. Similarly, he shall correct any error in a House bill or resolution returned for such reason by the Senate. However, if investigation reveals that the two Houses did not, in fact, pass the measure in identical form, correction shall only be made pursuant to a concurrent resolution which may be initiated in either House, provided that the clerical errors may be corrected solely by action of the Clerk.

(f) All signatures shall be placed on the last page of a measure after the last line of text.

#### **Section 15. Override following Veto by the Governor.**

(a) Whenever a bill passed by the Legislature or a Senatorial District Delegation is disapproved by the Governor, the Floor Leader shall lay the message before the House for its consideration and disposal. The House may decide to act immediately, postpone until a day certain, lay on the table, or refer to the committee of original jurisdiction. Repassage shall be by Call of the Roll, and the affirmative vote of two-thirds of the entire membership of the House shall be required upon consideration to pass the bill. Only one reading is required to override a veto by the Governor.

(b) The Clerk shall immediately notify the Senate if a bill vetoed by the Governor is defeated by the House upon reconsideration.

(c) If both Houses re-pass a House bill vetoed by the Governor, the Clerk shall transmit the signed original thereof to the Attorney General as proof of its enactment, and shall inform the Governor of such enactment.

(d) If the House re-passes a Senate bill, the Clerk shall return it to the Senate for further action or transmittal to the Attorney General.

## **RULE X. MOTIONS.**

### **Section 1. Seconding.**

No motion may be considered by the House until it has been seconded. This requirement shall not apply to points of privilege, information, or order, or to request to withdraw a motion.

### **Section 2. Property of the House.**

After a motion is stated by the Speaker or read by the Clerk, it shall be the property of the House and shall be disposed of by the House unless withdrawn as provided in this Rule.

### **Section 3. Main and Subsidiary Motions.**

A member of the House may be the mover of a main motion at the time provided for in the order of business, which main motion shall have its purpose of carrying out the business of the House. Whenever any main motion shall be under discussion, the only subsidiary motions relative thereto which shall be entertained are:

- |         |                                                                                  |
|---------|----------------------------------------------------------------------------------|
| First:  | For the previous question;                                                       |
| Second: | To lay on the table;                                                             |
| Third:  | To defer to a date certain or indefinitely;                                      |
| Fourth: | To commit or recommit to a committee with or without instruction from the House; |
| Fifth:  | To amend;                                                                        |

which motion shall have precedence in the order named. The first, second, and third motions shall be decided without debate and shall be put to vote as soon as made and seconded. The fourth and fifth motions and the main motion shall be subject to debate and shall be put to vote in accordance with the provisions of this Rule. When the fifth motion has been adopted, its relevant language shall automatically become a part of the main motion.

### **Section 4. Privileged Motions and Questions of Privilege.**

(a) A member, when recognized, may be the mover of a privileged motion at any time such a motion is appropriate to the order of business. A privileged motion shall take precedence over main and subsidiary motions and shall be disposed of before the House proceeds with the order of business.

(b) A member, when recognized, may raise a question of privilege concerning a matter which relates to him as a member of the House or which relates to the privileges or welfare of the House. When a member raises a question of privilege, the Speaker shall interrupt the proceedings of the House and ask the member to briefly state his question. The question shall not be debatable, except that the Speaker may allow the right of reply. If the Speaker rules that the member raises a valid question of privilege, and such member proposes a motion or resolution incident thereto, such motion or resolution shall become the pending business of the House and be subject to debate or subsidiary motion as provided in Section 3 of this Rule.

(c) A member, when recognized, may move to recess for or to a specific time, or subject to the call of the Presiding Officer. The motion to recess shall be decided without debate and shall be put to vote as soon as possible. The Speaker may recess the House for or to a specific time or subject to the call of the Presiding Officer.

(d) Only the Floor Leader shall, when recognized, move to adjourn, and such a motion shall take precedence over all other such motions. The motion shall be decided without debate and shall be put to vote as soon as made: Provided, that the motion to adjourn to a day and time certain or sine die shall be subject to debate and amendment. If the motion to adjourn is adopted, action on the question before the House shall be discontinued and shall be considered on the next meeting day as unfinished business. If the motion to adjourn is defeated, such a motion shall not again be in order until additional business intervenes.

#### **Section 5. Incidental Matters.**

(a) A member may raise a point of information regarding the procedure governing the disposal of a matter or motion before the House. When a member rises to a point of information, the Speaker shall ask the member to state his procedural point. The point shall not be debatable. The Speaker shall respond to the point of information as soon as raised or request another member of the House to respond. The Speaker may consider the question improper and choose not to consider the point if it does not address the procedures for disposal of a matter or motion before the House. A point of information may not be used to make a statement or engage in debate.

(b) A member may raise a point of order at any time the point is relevant to the order of business, pursuant to Rule V, Section 7 or when another member is speaking on a matter irrelevant to the matter under discussion.

(c) A member may ask unanimous consent to accomplish any reasonable purpose not forbidden by the Constitution, except no member may ask unanimous consent for the suspension of Rules I (Organization of the House) or IV (Attendance and Quorum). If no member present objects, the request is considered to be agreed to. A member may reserve the right to object in order to briefly question the requesting member as to the purpose or effect of the request.

(d) A member may ask to withdraw his motion. When a member asks to withdraw his motion, the Speaker shall interrupt the proceedings and permit the motion to be withdrawn if there has been no decision on or amendment to the motion as of the time the member requests withdrawal of this motion. Otherwise the motion may be withdrawn by unanimous consent.

(e) A member may move for division of a question when he finds two or more specific subjects within the same general subject of a bill, resolution, or other question before the House and desires that each such specific subject be considered and voted on separately. When a member moves for division of the question, the Speaker shall interrupt the proceedings and permit the member to make his motion, which shall specify the specific subjects to be considered and voted on separately. The motion shall be decided without debate and shall be put to vote as soon as made. If the motion for division of the question is adopted, final passage of a bill or resolution shall be considered and voted on as a single entity as provided in these Rules.

(f) A member may move to suspend one or more Sections or paragraphs of these Rules. Such a motion shall state the specific purpose to be accomplished by suspension of the Rules and the specific Sections or paragraphs of the Rules which shall be suspended. The Speaker may decline to recognize a member for the purpose of moving to suspend the Rules. When recognized for such purpose, the member shall have ten minutes to explain his reasons for the desired suspension, and one member in opposition shall have ten minutes for reply. Either member may waive his time. The motion shall require two-thirds vote of the members present for adoption; Provided, that Rule VII, Section 9 and Rule IX, Sections 9 and 10 may be suspended by a majority vote of the members present for adoption. Any suspension of the Rules shall terminate when the specific purpose to be accomplished by suspension of the Rules has been disposed of by the House. The Rules shall not be suspended regarding consideration of the current question before the House, except by unanimous consent.

#### **Section 6. Motion to Reconsider.**

When a main motion has been made once and carried in the affirmative or negative, it shall be in order for any member of the House to move to reconsider it on the same or succeeding day of the session during the appropriate order of business. The motion to reconsider is debatable. A simple majority shall be required for passage. When a motion for reconsideration has been defeated, a second motion for reconsideration of the same question shall not be in order.

#### **Section 7. Motion to Recall.**

(a) When a bill, resolution, or other matter upon which a vote has been taken has passed out of the possession; of the House, and has been transmitted to the Senate or the Governor, it shall be in order for any member of the House to move for recall of the bill, resolution, or other matter by requesting the Senate or the Governor to return the bill, resolution, or other matter to the House, and such motion shall take precedence over all motions except a motion to adjourn or to recess. The motion to recall is debatable. When a motion for recall has been decided, and defeated, a second motion for recall of the same matter shall not be in order. If the motion for recall is adopted and the bill, resolution, or other matter is returned as requested, it shall then be before the House for reconsideration in the regular order of business.

(b) If a motion to recall shall be passed by the Senate and such request made to the House, the bill, resolution, or other matter shall be returned to the Senate, by resolution, or unanimous consent.

(c) No bill, resolution, or other matter may be recalled or withdrawn from committee except upon a motion by the Floor Leader and adopted pursuant to Rule XI. Motion to withdraw or recall from committee is undebatable.

### **Section 8. Previous Question.**

A member may move for the previous question which shall be decided without debate and shall be put to vote as soon as made and seconded. The adoption of the motion for the previous question shall close debate and require the Speaker to put the previous question before the House for a vote.

## **RULE XI. VOTING.**

### **Section 1. Methods of Voting.**

There shall be three methods of voting:

First: By voice;

Second: By standing or raising hands; and

Third: By Call of the Roll of the members and a recording of the vote of each member by the Clerk.

### **Section 2. Voice Vote.**

Voice vote shall be the usual and ordinary method of voting in the House. Whenever the House shall be ready to vote on any question, the Speaker shall state the question. He shall then request all those in favor of the motion to vote "Yes" in a clear, loud voice. Following this, he shall request all those against the motion to vote "No" in a clear, loud voice. The Speaker shall then announce the results of the vote to the House.

### **Section 3. Standing Vote or Raising of Hands.**

If any member doubts the results as announced by the Speaker, he may request a standing vote or raising hands. The Speaker shall again state the question. He shall then call upon those in favor of the motion to stand or raise their hands and be counted by the Clerk who shall report the number standing or the hands raised to the Speaker. The Speaker shall then call upon those against the motion to stand or raise their hands and be counted by the Clerk who shall report the number standing or the hands raised to the Speaker. Any member failing to stand or raise his hand in favor or against the motion shall not be counted. The Speaker shall announce the result to the House.

### **Section 4. Call of the Roll.**

Subject to Section 5 of this Rule, if at least five members present shall request a Call of the Roll, then the Speaker shall announce a Call of the Roll. The Speaker shall state the question calling upon those in favor of the motion or nomination to respond "Yes" and those opposed to the motion to respond "No" when their names are called. The Clerk shall call the roll, recording the vote of each member in the Journal. He shall inform the Speaker of the results of the Call of the Roll, who shall in turn announce the results of the vote to the House. The Speaker may

require a Call of the Roll at his discretion. Call of the Roll is automatic in the absence of a quorum if a vote is objected to for such reason.

**Section 5. Mandatory Call of the Roll.**

Bills and those resolutions having the force and effect of law shall be voted upon by a Call of the Roll and be subject to a separate vote.

**Section 6. Non-Voting.**

If any member in the House fails to respond to the call of his name upon a roll call, his name shall be called again and if he fails to respond to the call of his name upon the second Call of the Roll, he may vote present, otherwise the Clerk shall record him as abstaining, except as provided in Rule IV, Section 2.

**Section 7. Conflict of Interest.**

Pursuant to Article II, Section 15 of the Commonwealth Constitution, and to the applicable provisions of the Government Ethics Code Act, 1 CMC §8501, et. seq., no member shall vote or participate in debate upon any matter in which he has a financial or personal interest, or upon any matter which will affect his right to a seat in the House or in which his individual conduct is involved. Disclosure shall be made, in writing, to the Speaker, prior to discussion on the floor. Failure to disclose conflict of interest may result in sanctions.

**Section 8. Change of Vote.**

A member shall not vote or change his vote after the announcement of the result of the vote by the Speaker.

**Section 9. Action of the House.**

Any action of the House shall require an affirmative vote of a majority of the members present unless otherwise provided by these Rules.

**Section 10. Tie Vote.**

When the vote for and the vote against a proposition are equal, the Chairman may cast a second vote to break the tie.

**RULE XII. WARRANTS, SUBPOENAS, OATHS, AND CONTEMPT.**

**Section 1. Warrant, Subpoenas, and Oaths.**

Warrants, subpoenas, and other processes may be issued as provided in Article II, Section 14 of the Constitution and 1 CMC, Division 1, Chapter 3. Any committee chairman or authorized person may issue subpoenas by majority vote of the committee. Any person refusing to attend a session of the House or a committee meeting after being properly subpoenaed may be arrested by the Sergeant-At-Arms or any police officer of the Commonwealth and brought before the House or a committee thereof, as the case may be. The Speaker may issue a warrant to carry into effect the orders of the House or any House committee in the arrest of an offender.

**Section 2. Contempt.**

Any person who shall be guilty of disrespect of the House by any disorderly or contemptuous behavior in its presence or before any of its committees, or who shall fail to appear to testify before the House or any of its committees after being subpoenaed, or who shall assault or detain any witness of the House or its committees, or who shall violate 1 CMC, Division 1, Chapter 3, shall be in contempt of the House. The Speaker may issue a warrant of arrest to the Sergeant-At-Arms or any police officer of the Commonwealth for the arrest of a person found to be in contempt of the House.

**RULE XIII. ADMINISTRATION.****Section 1. Management.**

The administrative affairs of the House of Representatives shall be jointly managed by the leadership committee, composed of the Speaker, Vice Speaker, Floor Leader, and Chairperson of all the Standing Committees.

**Section 2. Attendance and Travel.**

(a) The Speaker shall certify the attendance of members upon official legislative business. Members who are off-island due to official legislative business will be counted as present under Rule IV, Section 1; provided, that such member may not be counted for purpose of constituting a quorum for voting purposes.

(b) Members who travel on official legislative business shall submit a written or oral trip report to the House during the next regular session after their return. The report shall summarize the official business activities undertaken during the trip. If no report is submitted, the cost of travel shall be deducted from the member's salary.

**Section 3. Budget Plan, Financial Report and Inventory.**

(a) The Speaker shall issue a budget plan for the expenditure of House funds and shall thereafter issue an annual report and full accounting of the finances and property of the House. The report shall be made public.

(b) Each member shall submit a financial status report of his individual allotment account to the Speaker's office quarterly.

(c) Each year the Speaker shall request the Public Auditor or his designee to audit the financial accounts and inventory records of the House. The audit report shall be made public.

**Section 4. Employees of the House.**

All employees of the House other than employees of the Legislative Bureau shall be employed subject to the discretion of individual members, and an ~~Exempted~~ Service Employment Contract.

**Section 5. Accounts of the House.**

(a) The Speaker, with the consensus of the Leadership Committee, shall allocate House funds to the individual allocation accounts of individual members. There shall also be established the Speaker's contingency account.

(b) A member shall be individually liable to any creditor or to the House of Representatives for any over-spending of his or her individual account of the amount of funds allocated to him or her by the Speaker of the House of Representatives or by the Minority Leader.

**Section 6. Purchases and Payments.**

Purchases made by the House and chargeable to funds available to the House shall be made in accordance with CNMI Procurement Regulations and the CNMI Property Management Policies and Procedures. Purchases shall be previously approved in writing by the Speaker or his authorized designee. Such person shall direct the proper department of the Commonwealth Government to pay all lawful bills and accounts included within the expenses of the House for which provision is made by law and which have been authorized by the House and previously approved in writing by the Speaker or his authorized designee. For purposes of this **Section**, "authorized designee" shall include individual members who have expenditure authority over their individual allotment accounts.

**Section 7. Use of Property of the House.**

(a) The Speaker or his authorized designee through the CNMI Procurement Office shall at all times control, administer, tag, and assign the property of the House to the members or employees of the House.

(b) The Speaker shall authorize the use of House property such as House vehicles.

**Section 8. Drug Free Workplace Policy.**

All employees of the House of Representatives are subject to that certain Drug Free Workplace Policy which was adopted by House Resolution No. 10-83, HD1, on February 7, 1997. Said Drug Free Policy is attached to these Rules as Appendix A.

**Section 9. Public Records.**

It shall be the responsibility of each member of the House and of the Clerk of the House to preserve all public records, as defined in 1 CMC § 9902, that are or come to be in their respective possession and control.

**RULE XIV. THE JOURNAL.****Section 1. The Journal.**

The House shall keep a journal of its proceedings and shall compile and publish the Journal for each session of the Legislature. Journals of the Day compiled by the Clerk, and the statements of members appended to the Journals of the Day shall be kept by the House, and may include such other matters as the House or the Speaker may direct. The Clerk shall keep note of

all questions of order not specified in these Rules and decided under Rule I, Section 1 and append them for publication in the House Journal.

### **Section 2. Contents.**

The Journals of the Day shall account for the business and proceedings of the House for each legislative day, including a summary of debate, the messages from the Governor, all other messages and communications, the time of the day the House was called to order, recessed and reconvened (if appropriate), and adjourned, each question before the House and its disposition, all votes and quorum calls, the titles of all bills and resolutions introduced together with their assigned numbers and reference, the full text of such part of any bill or resolution prior to amendment as may be necessary to make clear the effect of the proposed amendment. A tape recording shall be made of the business and proceedings of the House for each legislative day. The House Clerk shall maintain custody of the tape recordings for so long as it is required by the Speaker.

### **Section 3. Reading of the Journal.**

The Journal of each day shall be distributed the day following its preparation and shall be corrected or approved by vote of the House; Provided, that the Speaker shall correct and approve the Journal of the last days of the legislature. The House, by majority vote of the members present, may dispense with such reading. Prior to the approval of the Journal of the Day, the Speaker may delete debate and statements which are inconsistent with Rule V, Section 10 and Rule XV, 1 (a). Subsequent to the approval of the Journal of the Day, the Clerk, with the permission of the Speaker, may make non-substantive corrections therein, including such matters as spelling of words and grammatical construction of sentences.

### **Section 4. Appendices.**

Each member shall have the right to append to the Journal of the Day a statement explaining his vote on any bill, resolution or other matter being voted upon by the House on that day. Such a statement or statements shall not exceed in total 300 words in a single day and shall be submitted to the Clerk on the day in which the action occurs.

### **Section 5. Transmittal to Northern Marianas College.**

Pursuant to 1 CMC §9914, the Clerk shall transmit a copy of each journal adopted by the House to the archives of the Northern Marianas College within thirty days of adoption.

## **RULE XV. CODE OF OFFICIAL CONDUCT.**

### **Section 1. Code of Official Conduct.**

There is established for the House of Representatives based on the Code of Official Conduct of the United States House of Representatives and which may be cited as the "Code of Official Conduct":

(a) A member, officer, or employee of the House of Representatives shall conduct himself at all times in a manner which shall reflect creditably on the House of Representatives.

(b) A member, officer, or employee of the House of Representatives shall adhere to the spirit and the letter of the Rules of the House of Representatives and to the policies thereof.

(c) A member, officer, or employee of the House of Representatives shall receive no compensation nor shall he permit any compensation to accrue to his beneficial interest from any source, the receipt of which would occur by virtue of influence improperly exerted from his position in the Legislature.

(d) A member, officer, or employee of the House of Representatives shall not accept gifts (other than personal hospitality of an individual or with a fair market value of \$35 or less) in any calendar year aggregating \$100 or more in value, directly or indirectly, from any person (other than from a relative of his) having a direct interest in legislation before the Legislature. The term "relative" means with respect to any member, officer or employee, a person who is: the father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, or who is the grandfather or grandmother of the spouse of the person reporting. The term "gift" shall not include campaign fund contributions.

(e) A member, officer, or employee of the House of Representatives shall accept no honorarium for a speech, writing for publication, or other similar activity, from any person, organization, or corporation in excess of the usual and customary value for such services.

(f) A member of the House of Representatives shall keep his campaign funds separate from his personal funds. He shall convert no campaign funds to personal use in excess of reimbursement for legitimate and verifiable prior campaign expenditures and he shall expend no funds from his campaign account not attributable to bona fide campaign purposes.

(g) A member of the House of Representatives shall treat as campaign contributions all proceeds from his testimonial dinners or other fund raising events.

(h) A member of the House of Representatives shall retain no employee who does not perform duties commensurate with the compensation he receives.

(i) A member, officer, or employee of the House of Representatives shall not discharge or refuse to hire any individual or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment, because of the individual's race, color, religion, sex, or national origins.

(j) A member of the House of Representatives who has been convicted by a court of record for the commission of a felony should refrain from participation in the business of each committee of which he is a member and should refrain from voting on any question at a meeting of the House, or of the Committee or of the Whole House, unless or until judicial or executive proceedings result in reinstatement of the presumption of his innocence or until he is reelected to the House after the date of such conviction.

(k) A member of the House of Representatives shall not authorize or otherwise allow a non-elected individual, group or organization to use the words "Northern Marianas

Commonwealth Legislature", "House of Representatives", or "Official Business", or any combination of words thereof, in any letterhead or envelope.

(l) In the event that there is a conflict between this Rule and 1 CMC §8501, et. seq., ("Government Ethics Code Act "), the provisions of 1 CMC §8501, et. seq. shall prevail.

**Section 2. Special Standing Committee on Official Conduct and Ethics.**

(a) The Special Standing Committee on Official Conduct and Ethics shall consist of seven members: appointed by the Speaker in consultation with the Leadership. Each member shall make an affirmation, under oath, that he will perform his duties as provided in this Section, and that he will not disclose confidential information acquired by him as a result of his participation in the work of the Committee.

(b) It shall be the duty of the Committee to:

(1) Propose rules relating to House ethics and revisions or amendments thereto. The amendments submitted to the legislature for adoption shall be approved in accordance with Rule XVI, Section 1

(2) To recommend other legislation relating to legislative ethics.

(3) To develop advisory opinions to systematically establish criteria on which subsequent decisions can be based.

(4) Investigate possible unethical conduct of House members and employees.

(c) The Committee shall issue advisory opinions with regard to standards of ethical conduct for House members and employees in accordance with the following procedures:

(1) Requests for advisory opinions may be made by House members, employees, or members of the public. A request must be stated hypothetically unless the individual requests a specific opinion concerning his own conduct. Requests must be written, signed, and directed to the Chairman of the Committee on Official Conduct and Ethics. Requests shall supply such information as the Committee requires to enable it to issue the opinion. The identity of the person making the request shall be known only to the Chairperson, unless such confidentiality is waived in the request.

(2) Within thirty days of the receipt of a request, unless delay is unavoidable, the Committee shall either:

(A) Issue a written advisory opinion, which shall not contain information which reveals the identity of any individual; or

(B) Notify the person requesting such opinion that the request is beyond its jurisdiction, or that there are insufficient facts upon which an opinion can be based, or that the request is frivolous, or that the request is made for the purpose of harassment.

If delay is unavoidable, the person requesting the opinion shall be notified as to the status of the request within said thirty-day period and at thirty-day intervals until such time as action is taken.

(3) Upon receipt, requests shall be assigned a reference number. The Committee shall maintain and keep current for public inspection a status sheet that shall contain with respect to each request:

- (A) Its reference number;
- (B) The date received by the Chairperson; and
- (C) Its present status.

(4) The House Clerk shall make available to the public copies of the status sheets and advisory opinions issued by the Committee.

(d) The Committee shall have the following powers, duties, and functions:

(1) Issue advisory opinions pursuant to Subsection (c).

(2) To provide a continuing program of education, assistance, and information to House members and employees with regard to 1 CMC §8501, et. seq., the Government Ethics Code Act, as it applies to House ethics and official conduct.

(3) To make such rules for its own functioning and exercise such powers as may be appropriate for the discharge of the responsibilities of the Committee not in conflict with this Section or the Official Rules of the House of Representatives.

(4) Investigate possible unethical conduct by House members or employees. Any such investigation shall be conducted in accordance with the following procedures:

(A) A complaint may be filed by a House member, a House employee, or member of the public. Complaints must be written, signed under oath, and directed to the Chairperson of the Committee. The Committee shall determine if the complaint is within its jurisdiction and whether there are sufficient facts alleged which if true may support a finding of unethical conduct.

(B) If the Committee finds that the complaint is not within its jurisdiction, or is frivolous, or is made for the purpose of harassment, or that there are insufficient facts alleged which if true may support a finding of unethical conduct, it shall dismiss the complaint, so notify the complainant, the person charged, and the public with a copy of the complaint and the Committee's reasons for dismissal.

(C) If the Committee finds that a complaint is within its jurisdiction and there are sufficient facts alleged which if true may support a finding of unethical conduct, the Committee shall hold an investigative hearing and send a notice to

the complainant and the person charged which shall include a copy of the complaint. The person charged shall receive at least thirty days' written notice of such hearing. The notice shall provide that the person charged shall be entitled to request the Committee to set an earlier hearing date, present evidence, cross-examine witnesses, be represented by counsel, and file an affidavit of prejudice within ten days of receipt of the notice as provided in subsection (4)(F) of this Section.

(D) Investigative hearings shall be open to the public unless, otherwise authorized by 1 CMC §9901, et. seq. the Open Government Act.

(E) The Speaker, at the request of the Committee Chairperson, may issue subpoenas for the attendance and testimony of witnesses and the production of documentary evidence relating to any matter under examination by the Committee or involved in any hearing, administer oaths or affirmations, examine witnesses, and receive evidence. In case of disobedience to a subpoena, the Committee may invoke the aid of the Sergeant-At-Arms, Department of Public Safety, or the Commonwealth Court. The Court may, in case of refusal to obey a subpoena issued to such person, issue an order requiring such person to appear before the Committee, to produce documentary evidence, and/or to give evidence, and any failure to obey such order may be punished by the Court as contempt. Notwithstanding any other provision of law, every public official, and governmental office, department, or other agency shall furnish to the Committee any documents, records, data, statements, or information that the Committee designates as being necessary for the exercise of its functions, powers or duties.

(F) Members of the Committee shall be disqualified in any case:

(i) Involving persons whom such members cannot judge impartially, in which cases they shall disqualify themselves; or

(ii) Where the person charged files an affidavit of prejudice against a member or members whom he believes is unable to make an impartial judgment, in which case the disqualification shall be automatic. Provided, that only one such affidavit may be filed in a single investigation. Whenever a member is disqualified, the appropriate caucus chairman shall appoint pro temp, a replacement member as appropriate. Such appointment shall be subject to the consent of the caucus wherein the appointment is made.

(G) At the conclusion of the investigative hearings, a statement of findings of fact shall be prepared based upon evidence presented at the hearings. A copy of this statement shall be sent to the person charged who shall have at least ten days to offer a written rebuttal to the Committee. The Committee, on the basis of the findings of fact, any written rebuttal, and applicable standards of ethical conduct shall make a preliminary report which shall be subject to review and the rendering of a decision at the final hearing. Copies of the findings of fact, preliminary report, and notice of the date for a final hearing shall be sent by registered mail to the person charged. Such person may

rebut the report not later than one week prior to the final hearing date, but shall in any event have a period of not less than two weeks in which to respond.

(H) The final hearing shall be open to the public. There shall be available at the hearing copies of the Committee's findings of fact, preliminary report, and any written rebuttal received by the Committee from the person charged. The Committee shall, on the basis of these documents and any final statement made by the person charged, render a final decision as to whether the facts justify a finding of unethical conduct. A final decision must be agreed upon by at least three members of the Committee. The Chairperson of the Committee shall notify the Office of the Attorney General directly if the Committee makes a finding that it has reasonable grounds to believe that a criminal violation has occurred.

(I) If the Committee in its final decision determines that the facts support a finding of unethical conduct, it shall include in its decision a specific recommendation for disciplinary action which may include but is not necessarily limited to:

(i) In the case of a House member reprimand, censure, or expulsion, and when applicable, restitution; and

(ii) In the case of a House employee, reprimand, suspension, or dismissal, and when applicable, restitution.

Such decision shall be transmitted to the Speaker for such action as the Speaker deems appropriate.

(J) Upon receipt, complaints shall be assigned a reference number. The Committee shall maintain and keep current for public inspection a status sheet which shall contain with respect to each complaint:

(i) Its reference number;

(ii) The date received by the Committee; and

(iii) Its present status, including the date of any hearings scheduled.

The name of the complainant and the person charged shall be entered on the status sheet following the notification provided for in subsection (4)(C) of this Section.

(e) The House Clerk shall make available to the public copies of the status sheets, findings of fact, written rebuttals, preliminary reports, and final decisions issued by the Committee.

## **RULE XVI. AMENDMENT OR REPEAL OF THE RULES; CONSTRUCTION AND INTERPRETATION.**

### **Section 1. Amending the Rules.**

The Rules shall only be amended or repealed by resolution which has been on the calendar at least one legislative day, and adopted by 3/4's of the membership of the House, except that minor technical amendments may be made by a majority vote of the members present and voting. "Minor technical amendments" shall mean correction of typographical errors or omissions. The Interim House Rules shall become Permanent House Rules within 60 calendar days unless acted upon pursuant to Rule XVI, Section 1.

### **Section 2. Construction and Interpretation.**

Rules shall be construed according to their plain meaning. In the event that any ambiguity or conflict should arise regarding these Rules, or in the event that these Rules do not address a question or situation which may arise, then such controversy shall first be resolved according to the rules and principles set forth in Mason's Manual of Legislative Procedure, 2010 Edition (Mason's). In the event that any ambiguity, conflict, question or situation should not be resolved by referencing Mason's, then the second source of authority shall be Robert's Rules of Order Newly Revised, 10th Edition (RNOR).



# HOUSE RULES

## Appendix A

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### **DRUG FREE WORKPLACE POLICY PART 1. POLICY AND DEFINITIONS**

#### **SECTION 101. POLICY.**

The House of Representatives encourages employees who have personal problems to utilize all available resources, including resources of the House of Representatives, before those problems affect their job performance. Employees who voluntarily seek assistance in dealing with emotional distress, personal health problems, or problems relating to alcohol or drug use before there is a performance issue shall be provided the same leave benefits as with any other health-related issue.

#### **SECTION 102. DEFINITIONS**

The following definitions shall apply throughout this Policy:

##### **A. Accident/Incident**

"Accident/incident" means (1) an injury to a person requiring outside medical attention or a fatality or (2) physical damage or an estimated economic loss greater than \$2,500.00 as determined by the best information available at the time of the accident/incident.

##### **B. Alcohol**

"Alcohol" means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol including methyl or isopropyl alcohol.

##### **C. Alcohol Use**

"Alcohol use" means the consumption of any beverage, mixture, or any preparation (including any medication) containing alcohol.

##### **D. Breath Alcohol Concentration (BAC)**

"Breath alcohol concentration (BAC)" means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath.

##### **E. Breath Alcohol Technician (BAT)**

"Breath alcohol technician (BAT)" means an individual who instructs and assists individuals in the alcohol testing process and operates an EBT.

**F. Canceled Test (Drug)**

"Canceled test (drug)" means a test that has been declared invalid by an MRO. It is neither a positive nor a negative test. This term includes a specimen that is rejected for testing by a laboratory.

**G. CNMI**

"CNMI" means the government of the Commonwealth of the Northern Mariana Islands.

**H. Confirmation (or Confirmatory) Test (Alcohol)**

"Confirmation (or confirmatory) test (alcohol)" means a second test, following a screening test with a result of 0.02 or greater, that provides quantitative data of alcohol concentration.

**I. Confirmation (or Confirmatory) Test (Controlled Substances)**

"Confirmation (or confirmatory) test (controlled substances)" means a second analytical procedure to identify the presence of a specific drug or metabolite that is independent of the screening test and that uses a different technique and chemical principle than the screening test to ensure reliability and accuracy. (Gas chromatography/mass spectrometry (GC/MS) is the only authorized confirmation method for cocaine, marijuana, opiates, amphetamines, and phencyclidine.)

**J. Consulting Physician**

"Consulting physician" means a licensed physician retained or employed by the CNMI to advise on drug testing and other industrial medicine issues.

**K. Evidential Breath Testing Device (EBT)**

"Evidential breath testing device (EBT)" means an EBT approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath and placed on NHTSA's Conforming Products List of Evidential Breath Measurement Devices (CPL), and identified on the CPL as conforming with the model specifications available from the NHTSA, Office of Alcohol and State Programs.

**L. House of Representatives or House**

"House of Representatives" or "House" means the House of Representatives of the Northern Mariana Islands Commonwealth Legislature.

**M. Illegal Drugs**

"Illegal drugs" means (a) drugs that are not legally obtainable; (b) drugs that are legally obtainable but have not been obtained legally; (c) drugs that are legally obtained, but are knowingly used for other than the prescribed purpose or in other than the prescribed manner; and (d) so-called "designer drugs" or drug substances not approved for medical or other use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration.

**N. Legally Obtainable Drugs**

"Legally obtainable drugs" means the following when used according to directions to alleviate a specific condition: (a) substances recognized as drugs in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official national formulary, or any supplement to any of them; (b) substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals; (c) substances (other than food, mineral, or vitamins) intended to affect the structure or any function of the body of man or animal; and (d) substances intended for use as a component of any article specified in clause (a), (b), or (c). It does not include devices or their components, parts, or accessories.

#### **O. Medical Review Officer (MRO)**

"Medical Review Officer (MRO)" means a licensed physician who is responsible for receiving laboratory drug testing results and who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate a confirmed positive test result together with an individual's medical history and any other relevant biomedical information.

#### **P. On Call/Standby Employee**

"On call/standby employee" means (for the purposes of this Policy only) an employee who is in a scheduled on call/standby status or whose availability to report to work restricts his or her movements or behavior while waiting to be called.

#### **Q. Proof of Wellness**

"Proof of wellness" means a notice from a state or regionally certified or licensed drug/alcohol treatment specialist or a person meeting the U.S. DOT's definition of a substance abuse professional that states that the applicant/employee is no longer dependent on any drug/alcohol substance to the extent it can affect safe and productive work.

#### **R. Refusing to be Tested, Refused to be Tested, or Refusal to Submit**

"Refusing to be tested," "refused to be tested," or "refusal to submit" means:

1. A verbal or written refusal after being given a clear and specific order to submit to urine and/or breath testing;
2. Failure to timely provide a urine specimen or failure to timely provide adequate breath for testing without a valid medical explanation after receiving notice of the requirement to be tested; or
- (3) Engaging in conduct that clearly obstructs the collection process.

#### **S. Responsible Person**

"Responsible person" means the individual designated by the Speaker to answer questions about this Policy.

#### **T. Safety-Sensitive Function**

"Safety-sensitive function" means performing work involving the operation of motor vehicles or dangerous or heavy machinery or performing tasks directly affecting the safety of others. the Speaker shall designate by job category or otherwise all positions that have safety-sensitive functions.

#### **U. SAMHSA**

"SAMHSA" means the Substance Abuse and Mental Health Services Administration, U.S. Department of Health and Human Services.

#### **V. Screening Test (or Initial Test)**

"Screening test (or initial test)" means, in alcohol testing, an analytical procedure to determine whether an employee may have a prohibited concentration of alcohol in his or her system. In controlled substance testing, it means an immunoassay screen to eliminate "negative" urine specimens from further consideration.

#### **W. Speaker**

"Speaker" means the Presiding Officer of the House of Representatives.

#### **X. Substance Abuse Professional (SAP)**

"Substance abuse professional (SAP)" means a licensed physician (Medical Doctor or Doctor of Osteopathy), licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission and/or regional certification), with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders.

#### **Y. Test(s) Positive or Positive Test Result**

"Test(s) positive" or "positive test result" mean the confirmation test shows positive evidence of the presence of an illegal drug in the individual's system.

#### **Z. Under the Influence**

"Under the influence" means that alcohol or illegal drugs, or both, are present in the body and confirmed by breath alcohol testing (a confirmed positive) or urine drug testing (a confirmed positive by the MRO).

### **SECTION 103. APPLICATION**

This Section applies to all current and future employees of the House of Representatives.

### **SECTION 104. PROHIBITED CONDUCT**

#### **A. Sale, Transfer, or Possession with Intent to Deliver**

It is a violation of this Policy for any employee to sell or attempt to sell, purchase or transfer, or possess with the intent to deliver any illegal drug (a) on House of Representatives property, (b) in any House vehicle or equipment, or (c) while on House business. An adverse action for removal shall be initiated immediately for any employee violating this Section. Law enforcement authorities shall also be notified. The employee shall be suspended during the advance notice period and placed on Leave Without Pay (LWOP) or, with the employee's consent, carried on annual leave.

#### **B. Possession**

1. Possession of Illegal Drugs--Any employee found in possession of any illegal drug in any House vehicle or equipment or while on House business shall be subject to disciplinary action, including removal. Law enforcement authorities shall be notified. Until resolution of the disciplinary action, the employee shall not be allowed to perform or continue to perform a safety-sensitive function.

2. Possession of Open Containers--Any employee in possession of an open container containing an alcoholic beverage in any House vehicle or equipment shall be subject to disciplinary action, including removal. Until resolution of the disciplinary action, the employee shall not be allowed to perform or continue to perform a safety-sensitive function.

### **C. Use or Under the Influence**

1. Non-Safety-Sensitive Functions--If the employee performs a non-safety-sensitive function and tests positive (confirmed drug positive by the MRO or a breath alcohol concentration of 0.02 or greater), the employee shall be subject to disciplinary action, up to and including removal. An employee who performs a non-safety-sensitive function and who tests positive for alcohol or illegal drugs on a first occasion may not be removed solely for testing positive but may be subject to disciplinary action and shall be referred for assessment and treatment as a condition of continued employment. Such an employee, however, may be removed for testing positive on a first occasion as provided in Section 104 (C) (3) and (4).

2. Safety-Sensitive Functions--If the employee performs a safety-sensitive function and tests positive (confirmed drug positive by the MRO or a breath alcohol concentration of 0.02 or greater), an adverse action for removal shall be initiated. Until the employee is removed or the adverse action is terminated, the employee shall not be allowed to continue to perform a safety-sensitive function.

3. Operation of Motor Vehicles--If the employee is operating (or reporting to work with the intention of operating) a House motor vehicle and tests positive (confirmed drug positive by the MRO or a breath alcohol concentration of 0.02 or greater), an adverse action for removal shall be initiated. Until the employee is removed or the adverse action is terminated, the employee shall not be allowed to perform or continue to perform a safety-sensitive function.

4. Injury to Another Person--If the employee injures another person and tests positive (confirmed drug positive by the MRO or a breath alcohol concentration of 0.02 or greater), an adverse action for removal shall be initiated. The employee shall be suspended during the advance notice period and placed on Leave Without Pay (LWOP) or, with the employee's consent, carried on annual leave.

5. Minimum Action--Any employee found to be under the influence while at work, at a minimum, will receive a formal letter of reprimand and will be counseled regarding the necessity to seek assessment and, if necessary, treatment. The employee must be informed that they may be subject to removal for their failing performance and/or violation of this Policy if the employee fails to obtain and/or fails to follow through on recommended treatment steps. The employee shall be reminded that the Speaker or his designee can assist the employee in obtaining professional assistance.

### **D. Pre-Duty Use of Alcohol by Safety-Sensitive Employees**

1. General--No safety-sensitive employee who has consumed alcohol within four hours of reporting to work may report to work. No safety-sensitive employee may report to work with any detectable level of alcohol in his or her system.

2. On-call/standby employees--No safety-sensitive employee who is on a scheduled and compensated stand-by status may consume alcohol during stand-by status. Safety-sensitive

employees in stand-by status shall inform their supervisors of any inability to perform safety-sensitive functions before commencing work.

a. Any safety-sensitive employee who, before reporting to work, acknowledges using alcohol during on-call status may be subject to disciplinary action and shall be referred to an SAP for assessment.

b. Any safety-sensitive employee who reports to work after consuming alcohol during on-call status and who fails to notify his or her supervisor shall be regarded as being under the influence. The employee shall be tested and subject to disciplinary action for failure to report and other discipline according to Section 104 (C).

#### **E. Refusal to Submit to a Drug/Alcohol Test**

1. Any employee refusing to comply with a request for any drug/alcohol test required by this Policy shall be regarded as insubordinate and an adverse action for removal shall be initiated. Until the employee is removed or the adverse action is terminated, the employee shall not be allowed to perform or continue to perform a safety-sensitive function.

2. Any employee leaving the scene of an accident/incident before a testing decision is made shall be deemed to have refused to be tested. In addition, any employee who is subject to post-accident/incident testing who fails to remain readily available for testing, including notifying his or her supervisor of his or her location if he or she leaves the scene of the accident/incident prior to submission to testing, shall be deemed to have refused to be tested. Leaving the scene of the accident/incident to obtain necessary medical care or obtain assistance in responding to the accident/incident may not be regarded as refusal as long as the employee timely notifies his or her supervisor of the employee's location.

3. Any employee consuming alcohol or illegal drugs after an accident/incident and before a testing decision is made shall be deemed to have refused to be tested.

#### **F. Providing False Information and/or Attempting to Contaminate or Alter a Urine Specimen**

An adverse action for removal shall be initiated for any employee providing false information about a urine specimen and/or attempting to contaminate a urine specimen. Until the employee is removed or the adverse action is terminated, the employee shall not be allowed to perform or continue to perform a safety-sensitive function.

#### **G. Refusal or Failure to Comply with Treatment Recommendations**

Any employee refusing or failing to comply with treatment and after-care recommendations shall not be permitted to return to work until permitted by an SAP. Refusal or failure to comply with treatment recommendations shall result in disciplinary action, including removal.

#### **H. Testing Positive for Drugs or Alcohol on a Second or Subsequent Occasion**

If an employee is hired or re-hired after an initial positive test and then tests positive for an illegal drug or alcohol on a later occasion within five years of a prior positive drug/alcohol test, an adverse action for removal shall be initiated. Until the employee is removed or the adverse action is terminated, the employee shall not be allowed to perform or continue to perform a safety-sensitive function.

#### **I. Failure to Notify House of Representatives of Criminal Drug Conviction**

All employees are required to notify the House of Representatives of any criminal drug statute conviction, no later than five days after conviction, for a violation occurring in the workplace. An adverse action for removal shall be initiated for any employee who fails to do so within five days of conviction. Until the employee is removed or the adverse action is terminated, the employee shall not be allowed to perform or continue to perform a safety-sensitive function.

## **SECTION 105. USE OF LEGALLY OBTAINED DRUGS**

### **A. Preclusion from Work**

No employee adversely affected by use of any legally obtained drug (prescription or nonprescription) shall perform a safety-sensitive function in that condition.

### **B. Notification Required**

Before starting work, each employee who performs any safety-sensitive function must report to his or her supervisor the use of any prescription or nonprescription drug that contains a cautionary label regarding the operation of equipment or vehicles. Before performing safety-sensitive functions, any employee taking medication with a cautionary labels may be required to provide proper medical authorization from a physician to work. Any employee failing to notify his or her supervisor of the use of any prescription or nonprescription drug containing a cautionary label prior to performing any safety-sensitive function shall be subject to disciplinary action, including removal.

## **SECTION 106. POLICY COMMUNICATION**

### **A. Current Employees**

All current employees will receive a copy of this Policy at least thirty days before the implementation date and shall acknowledge that they have received a copy of and read this Policy by signing a form to be kept in their Official Personnel Folder. In addition, this Policy will be posted in all work places where employees are covered by this Policy for at least sixty days following implementation.

### **B. New Employees**

All new employees hired after the effective date of this Policy will be given a copy of this Policy by the Office of the Speaker as part of their joining procedure. All new employees shall acknowledge that they have read this part by signing a form to be kept in their Official Personnel Folders.

## **SECTION 107. INFORMATION, ORIENTATION, AND TRAINING**

### **A. Employees**

All current and new employees will receive information concerning the effects and consequences of drug and alcohol use on personal health, safety, and the work environment; the manifestations and behavioral clues indicative of drug and alcohol use and abuse; and the resources available to the employee in evaluating and resolving problems associated with the misuse of alcohol and use of controlled substances.

### **B. Supervisors**

All supervisors who may make reasonable suspicion determinations shall receive training on the physical, behavioral, and performance indicators of probable drug abuse and alcohol

misuse before they may participate in post-accident/incident or reasonable suspicion decisions. In the House of Representatives, supervisor shall mean that Member to whom the employee is directly responsible.

## **SECTION 108. ROLE OF THE MEDICAL REVIEW OFFICER (MRO) AND CONSULTING PHYSICIAN**

### **A. Duties**

1. Recipient of Drug Testing Results--The MRO will be the sole recipient of drug testing results from the laboratory.

2. Verification of Positives Results--Before reporting a positive result, the MRO shall do the following to determine if there is an alternative medical explanation for the result:

a. Review the individual's medical history, including any medical records and biomedical information provided, and discuss the test results with the applicant/employee when requested to do so by the applicant/employee.

b. Determine whether there is a legitimate medical explanation for the result, including legally prescribed medication.

c. Request, as needed, pertinent analytical records or require re-analysis of any specimen to verify results.

d. Determine, when necessary, that there is clinical evidence, in addition to the urine test, of unauthorized use of any opium, opiate, or opium derivative if the laboratory does not confirm the presence of 6-monoacetylmorphine.

3. Fit for Work Consultation--The MRO or local consulting physician will, when requested, be available for consultation to determine the ability of an employee to report to work or continue work when under the influence of over-the-counter and/or prescription medication, and/or the ability to return to work following an accident/incident.

4. Return to Work Consultation--The MRO or local consulting physician will, when requested, review the records and examine, when appropriate, all employees returning to duty after a positive drug urine test or wanting to return to duty after having refused to be tested. The MRO will consult with the assessment and/or treatment SAP and HOUSE staff when making the evaluation.

### **B. Release of Results**

Drug test results will be released only under the following circumstances:

1. The MRO will report all positive test results (after review) and all positive and negative SAMHSA test results to the House of Representatives individual designated to receive the results.

a. If the MRO determines, after appropriate review, that there is a legitimate medical explanation for the confirmed positive test result other than the unauthorized use of a prohibited drug, the MRO is not required to take further action.

b. Based on a review of laboratory inspection reports, quality assurance and quality control data, and other drug test results, the MRO may conclude that a particular drug test result is scientifically insufficient for further action. Under these circumstances, the MRO should conclude that the test is negative for the presence of a prohibited drug or drug metabolite in an individual's system.

2. The MRO may release the results of a drug/alcohol test to the person who was tested. The MRO may release the results to a third party only when the person tested signs an authorization for the release to an identified person.

3. Statistical data related to testing and rehabilitation that is not name-specific will be provided on an established periodic basis to the House of Representatives individual designated to receive the results in accordance with this part.

### **C. Reporting**

The MRO may only report results to the House of Representatives designated representative or designee.

### **D. Relationships**

1. Testing Laboratories--The MRO shall be the primary contact for technical inquiries to the testing laboratory.

2. Treatment and Rehabilitation Facilities--The MRO shall have direct contact with substance abuse professionals regarding positive test results.

3. Employee Assistance Counselors--The MRO shall, if appropriate, confer with an SAP when evaluating a return to duty status.

### **E. Reports**

The MRO will retain records for five years of reports of individuals who do not pass a drug/alcohol test. Reports of individuals who pass drug/alcohol tests will be retained for one year. Records related to the collection process will be retained for two years.

### **F. Medical Evaluation for Shy Bladder and/or Shy Lung**

When requested, the MRO or local consulting physician shall take necessary steps to evaluate and determine if there was any reasonable medical justification for an employee's inability to provide a urine specimen (shy bladder) or an adequate breath specimen (shy lung).

## **SECTION 109. REFERRAL FOR TESTING**

### **A. Pre-Employment/Post-Offer Testing**

All offers of House of Representatives employment for safety-sensitive positions covered by this Policy are contingent upon the applicant successfully passing a urine drug test, and no applicant may be assigned to work until he or she has passed the test. Pre-employment/post-offer drug testing shall be limited to testing for cocaine, marijuana, opiates, amphetamines, and phencyclidine. Pre-employment/post-offer breath alcohol testing is prohibited for applicants.

1. Notification of Testing Requirement--Applicants shall be notified of the requirement to pass a drug test at the time of application.

2. Test Specimens--All applicants being hired for safety-sensitive positions shall take a urine drug test for illegal drugs.

3. Canceled Test--When a pre-employment/post-offer drug test is determined to be a canceled test by the MRO, the applicant shall immediately submit another urine specimen for testing.

4. Reapplication after a Positive Test

a. Applicants who test positive and cannot adequately explain the positive results will not be considered for employment until the next available position and must present proof of wellness.

b. Any applicant for a safety-sensitive position who previously has been employed by the House of Representatives shall provide a written release of drug and alcohol testing history for the two years prior to the application date. No applicant who has previously tested positive for drugs or alcohol may be permitted to perform a safety-sensitive job until released for work by an SAP and a re-entry contract is executed.

**B. Reasonable Suspicion Testing**

All employees shall be subject to drug/alcohol testing if there is reasonable suspicion to believe he or she may be under the influence of illegal drugs or alcohol. Reasonable suspicion drug testing shall be limited to testing for cocaine, marijuana, opiates, amphetamines, phencyclidine, benzodiazepines, methaqualone, meperidine (Demerol), and barbiturates.

1. Reasonable Suspicion Defined--Reasonable suspicion for drug/alcohol testing means specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the individual. A reasonable suspicion decision must be based on specific facts, circumstances, physical evidence, physical signs and symptoms, or a pattern of performance and/or behavior that would cause a trained supervisor to reasonably conclude that the individual may have engaged in on the job illegal drug or alcohol use or may be under the influence of alcohol or illegal drugs.

2. Steps in Reasonable Suspicion Testing

a. Objective Inquiry--When reasonable suspicion exists, the affected individual will be questioned and observed. A decision to request a specimen shall be based on eye witness reports, facts of the event, and observed physical and behavioral characteristics of the individual. The individual shall be interviewed in a private area.

b. Verification--No individual shall be required to submit to a reasonable suspicion drug/alcohol test unless the need for the test is verified by a second House of Representatives supervisor who has received training in recognition of signs and symptoms of drug and alcohol abuse. The required verification shall be done in person.

c. Duty Pending Test Results--Until the results of the drug/alcohol test are complete and verified, no employee tested based upon reasonable suspicion shall be allowed to perform or continue to perform a safety-sensitive function.

d. Transportation Assistance--The individual shall be accompanied to the collection site by a supervisor or manager, and shall be provided transportation home from the collection site. If the individual refuses and demands to drive

his/her vehicle, the supervisor or manager shall notify the Department of Public Safety.

e. Report--The events leading to a reasonable suspicion test will be reduced to writing and will be reviewed by the Speaker or his designee. This report shall be considered confidential and will be maintained in a separate confidential file until utilized in disciplinary action, in which case it will be filed in the employee's Official Personnel Folder.

### **C. Post-Accident/Incident Testing**

All employees shall be subject to drug/alcohol testing if an accident/incident occurs that meets the definitions of Section 102 (A). Post-accident/incident drug testing shall be limited to testing for cocaine, marijuana, opiates, amphetamines, phencyclidine, benzodiazepines, methaqualone, meperidine (Demerol), and barbiturates. If an accident/incident causes severe life disabling injury or may cause substantial liability to House of Representatives, a blood sample may be drawn for future testing if breath alcohol testing is not readily available.

#### **1. Persons Subject to Post-Accident/Incident Testing.**

a. The driver of any House vehicle or operator of any House equipment involved in an accident/incident shall be tested.

b. Each employee whose action or inaction contributed to the accident/incident or whose action cannot be completely discounted as a contributing factor to the accident/incident (as determined by using the best information available at the time of the decision) shall be tested.

2. Test Specimens--Every effort shall be made to collect specimens as soon as practical following an accident/incident. However, nothing should prevent an injured person from receiving necessary medical treatment and/or being interviewed by investigating officers/personnel.

3. Duty Pending Test Results--Until the results of the drug/alcohol test are complete and verified, no employee tested shall be allowed to perform or continue to perform a safety-sensitive function; provided, however, that an employee may be allowed to perform or continue to perform a safety-sensitive function, pending the results, if the supervisor reasonably believes that the employee was not under the influence at the time of the accident/incident.

4. Delayed Reporting of Accident/Incidents--An employee who delays the reporting of an accident/incident, which could have resulted in a drug or alcohol test, beyond the scheduled work shift shall be regarded as refusing to be tested.

### **D. Return to Duty Testing (Re-entry to Work) and Follow-up Testing**

1. Return to Duty Testing Criteria--An employee in a non-safety sensitive position, having previously tested positive for drugs or alcohol or having voluntarily acknowledged being under the influence of drugs or alcohol while on duty, other than as specified in Section 104 (C) (3) and (4) will be required to pass a drug/alcohol test before being returned to duty. These employees will not be allowed to return to work until they: (1) Test negative for cocaine, marijuana, opiates, amphetamines, phencyclidine, benzodiazepines, methaqualone, meperidine (Demerol), and barbiturates, and are evaluated and released for duty by the MRO (if the prior incident was drug related); or (2) Test at 0.00 breath alcohol concentration and are released by an SAP (if the prior incident was alcohol related).

2. Follow-up testing--An employee requiring return to duty drug/alcohol testing shall be subject to unannounced drug/alcohol tests for up to 24 months after returning to work. Return to duty drug tests shall be limited to testing for cocaine, marijuana, opiates, amphetamines, phencyclidine, benzodiazepines, methaqualone, meperidine (Demerol), and barbiturates. There may be no fewer than six tests in the first twelve months of follow-up testing. The specific number will be recommended by the SAP. The cost of return to duty testing and the six follow-up tests shall be paid by the employee.

3. Canceled Test--When a return to duty drug test is determined to be a canceled test by the MRO, the employee shall immediately submit another urine specimen for testing.

### **E. Random Testing**

1. Application--All House employees performing safety-sensitive functions shall be subject to random unannounced drug and alcohol tests at the rate designated in Section 109 (E) (2). Random drug testing shall be limited to testing for cocaine, marijuana, opiates, amphetamines, and phencyclidine.

2. Method of Selection and Selection Rate--The selection of employees for random testing shall be made by a scientifically valid method, such as a random number table or a computer based random number generator that is matched with employees' Social Security number, payroll identification numbers, or other comparable identifying numbers. Under the selection process used, each covered employee shall have an equal chance of being tested each time selections are made. The selection rate for each calendar year will be no less than an annualized rate of 50% of the covered employees for urine drug testing and 25% for breath alcohol testing.

3. Notification of Employee--When notified of a random selection, employees shall immediately proceed to the collection site. All testing shall be performed on paid time. Failure of the employee to timely report to the collection site will be treated as a refusal to be tested.

## **SECTION 110. SPECIMEN COLLECTION**

### **A. Specimen Collection Sites**

Urine and breath specimens shall only be collected at sites approved by the Speaker.

### **B. Specimen Collection Persons**

Only persons trained in the SAMHSA collection process are authorized to collect urine specimens, and only persons trained as Breath Alcohol Technicians in a DOT approved training program are authorized to collect breath specimens.

### **C. Specimen Collection Protocol**

Breath and urine specimens shall be collected in accordance with established collection protocols and shall adhere to the collection requirements specified in 49 CFR Part 40, "Procedures for Transportation Workplace Drug Testing Programs."

### **D. Split Urine Specimens**

All urine collections will be split into two specimens and shipped to the laboratory. If the drug test result of the primary urine specimen is confirmed positive, the employee may request that the MRO direct the split specimen to be tested in a different DHHS-certified laboratory for presence of the drug(s) for which a positive result was obtained in the test of the primary specimen. The request must be in writing to the MRO and must be made within 72 hours of the

employee having been notified of the confirmed positive drug test result. The cost of the second test shall be paid by the person requesting the test.

## **SECTION 111. SUPERVISOR RESPONSIBILITIES**

### **A. Reasonable Suspicion and Post-Accident/Incident Testing**

Supervisors shall base testing requests on objective observations and shall document all steps taken in requiring reasonable suspicion and post-accident/incident tests.

### **B. Confidentiality**

Supervisors shall communicate information regarding a fit for work incident strictly on a need to know basis.

### **C. Accountability**

Any supervisor who knowingly disregards the requirements of this Policy shall be regarded as neglecting his or her responsibilities and shall be subject to disciplinary action, including removal.

## **SECTION 112. EMPLOYEE ASSISTANCE AND REHABILITATION**

### **A. Referrals**

House employees shall be allowed the opportunity for rehabilitation under the following conditions:

1. Voluntary self-referral prior to an accident/incident, reasonable suspicion test or request, or notification of random testing.
2. Management intervention/referral prior to an accident/incident or reasonable suspicion request. Referrals made as a part of supervisory performance counseling or intervention shall be kept confidentiality, and only necessary persons shall be made aware of these requests.
3. An employee testing positive for the presence of alcohol or illegal drugs and who is not removed from employment as a result shall be referred to a substance abuse professional for assessment and will be required to fulfill specified steps of treatment before being considered ready for evaluation for return to duty to any position at the House of Representatives.

### **B. Return to Duty Evaluation**

No employee shall return to work after a positive test for alcohol or drugs (confirmed positive by the MRO) until he or she has been evaluated and released for duty by an SAP.

### **C. Confidentiality and Conduct**

A direct request by the employee for assistance may only be made a part of the employee's medical file and may not be included in the employee's Official Personnel Folder. Any related performance issues or disciplinary action, however, may be included in the employee's Official Personnel Folder.

### **D. Freedom from Discrimination**

Employees may not have job security or promotional opportunities jeopardized solely because of a request for assistance.

#### **E. Notice of Treatment Resources**

Any employee testing positive for prohibited drugs and/or alcohol or found to be under the influence of alcohol shall be advised of resources available to evaluate and resolve problems associated with the misuse of alcohol and use of controlled substances, including the names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs.

#### **F. Re-entry to Work After Mandatory Referral**

1. After a positive test result and mandatory referral, no employee may return to work until (1) the employee has been released for work by a designated House representative and the MRO/consulting physician (for drug positives) or House of Representatives' substance abuse professional (for alcohol positives); and (2) the employee has tested negative on a return to duty drug/alcohol test.

2. In addition, no employee may return to work after a mandatory referral until the employee agrees to a re-entry contract, which shall include the following:

- a. Evidence of a plan setting out aftercare and follow-up treatment procedures with an SAP for a minimum of twelve (12) months. Longer periods of follow-up may be specified by the SAP;
- b. An agreement to unannounced drug/alcohol testing (for up to five years);
- c. A statement of expected compliance with House of Representatives work rules, policies, and procedures; and
- d. An agreement by the employee that violation of the agreement will be grounds for removal.

### **SECTION 113. CONFIDENTIALITY, RECORD KEEPING, AND REPORTS**

#### **A. Confidentiality**

1. Test Results--All test results shall be regarded as medical data and shall be stored in a location separate from the employee's Official Personnel Folder. The status of an employee's drug/alcohol test may only be communicated within the House of Representatives on a strict need-to-know basis. Test results may not be used in a criminal prosecution of the employee without the employee's consent.

2. Employee Substance Abuse Professional Referrals--Any knowledge of an employee's attendance at a substance abuse treatment program shall be treated the same as medical data and shall be filed in the employee's medical file. The status of an employee's substance abuse treatment shall also be communicated within House of Representatives on a strict need-to-know basis.

#### **B. Record Keeping**

1. Test/Collection and SAP Records

a. Original Drug and Alcohol Test Results--Original test results shall be maintained by the MRO and/or BAT.

b. House of Representatives Reports--The House of Representatives shall also maintain records received from the MRO, BAT, and SAP regarding test results, which shall be stored in a secure location with controlled access.

c. All Other Records--All records relating to the urine and alcohol collection process will be maintained by House of Representatives, the MRO, and the collection site (if other than the MRO and/or on-site collection or breath alcohol test).

2. Record Retention Schedule--Records relating to the administration of this policy including policy and program development, employee awareness and supervisory training, collection site training, and program administration; and records of positive drug and alcohol tests; refusals to take required drug/alcohol tests; calibration documentation; and referrals to the substance abuse professional shall be kept for five years. Records relating to the breath and urine collection process shall be kept for two years. Records of negative drug and alcohol test results shall be kept for one year.

#### **SECTION 114. BUSINESS USE OF ALCOHOL**

The consumption of alcohol should never be considered a business obligation.