

# PUBLIC ACCESS ROOM

A division of the Legislative Reference Bureau

# NEWSLETTER

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## FLOOR SESSIONS AND THE "ORDER OF THE DAY"

In last month's newsletter, we discussed standing committees and the public hearing process. Here we focus on another integral part of the lawmaking process -- House and Senate floor sessions.

Certain activity on the floor of the House and Senate chambers (the large rooms where all members convene, viewable from the Capitol's rotunda) is essential to bill passage. The State Constitution (Article III, Section 15) states, "No bill shall become law unless it shall pass three readings in each house on separate days." So, in order for a bill to become law in the State of Hawai'i, it must pass at least three votes (called "readings") in both the House and the Senate. But that's not the only activity you'll find taking place on the floor. Here's an overview to make it all a little easier to follow.



### 2017 Legislative Timetable

#### April

- 6<sup>th</sup> First Crossover for Concurrent Resolutions
- 7<sup>th</sup> Second Decking (Bills): Last day to file bills for Third Reading in non-originating body
- 13<sup>th</sup> Second Crossover (Bills) & Last day to disagree
- 14<sup>th</sup> Holiday: Good Friday
- 21<sup>st</sup> Constitutional Amendments: Deadline for final form
- 24<sup>th</sup> Second Crossover Concurrent Resolutions
- 27<sup>th</sup> Last day to file Non-Fiscal Bills to deck for Final Reading
- 28<sup>th</sup> Last day to file Fiscal Bills to deck for Final Reading

#### May

- 4<sup>th</sup> Adjournment *sine die* (Session pau!)

#### June

- 26<sup>th</sup> Governor's intent-to-veto deadline

#### July

- 11<sup>th</sup> Governor's signing and veto deadline

#### Session Days

The House and Senate meet to conduct business in their respective chambers 60 times during a regular legislative session. These 60 days are referred to as "session days" and do not include weekends, holidays, or "recess" days as determined by the House and Senate leadership. The [Session Calendar](#) helps identify session days -- they are the dates with small numbered blocks on the calendar. Typically, the Senate convenes floor session at 11:30 a.m. and the House convenes at 12:00 noon. These times change for Third and Final Reading days, the occasional joint sessions (when all members meet in the same chamber for events like the Governor's State of the State

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address), and during the conference committee period (when the House and Senate choose to convene floor sessions at the same time as one another). You'll find the start times for the next House and Senate floor session listed at the top of the Legislature's homepage ([capitol.hawaii.gov](http://capitol.hawaii.gov)).

### Order of the Day



There is an order to the proceedings. The House and Senate Clerk issue an "Order of the Day" (O.D.) for their respective chambers, and the O.D.s serve as agendas to let the members know what is scheduled. The clerks each produce an O.D. for every session day and post them online, usually an hour or so prior to the start of floor session. (Find them by using the "Order of the Day" search box on the homepage.) When looking at the O.D.s, you will see that the House and Senate do things a bit differently. The [House Rules](#) and [Senate Rules](#) specify the order in which items will appear. The format and inclusion of links differ between the chambers, as do the naming and formatting of supplemental documents. The Senate provides all of the agenda titles in Hawaiian, followed by the English translation.

### Presiding Members and Protocol

The members of the House and Senate elect the House Speaker and Senate President to their positions. Part of the leaders' duty is to preside over the floor session, maintaining order and decorum. They ensure that the order of business, decision-making, discussion, and debate are conducted and managed in compliance with the State Constitution, House or Senate rules, and for questions not addressed by the previous sources, [Mason's Manual of Legislative Procedure](#). On occasion, the House Vice Speaker or Senate Vice President may be asked to preside over the session in their respective chamber.

To maintain orderly debate and decision-making, procedures are followed. Motions are made and seconded. Members may rise to speak on matters pending before the chamber, but the presiding officer must first recognize them and members must address their remarks to the presiding officer. The rules limit the number of times that members may speak on a matter and, in the House, the length of time they are allowed. Interesting discussions may arise when bills are being considered for the Third or Final Reading vote. (In the House, discussion also sometimes occurs on Second Reading.) Members are expected to rise and ask for a ruling on any possible conflict of interest. It is not uncommon for a member to rise to request permission to insert written comments into the journal or adopt another member's comments as their own. The rules specify that when referring to other members, the member speaking should identify the other member by district, or the area they represent, rather than addressing them by name or political party. Rules specify that any debate be limited to the legislative measure or action being discussed.



### What Happens On The Floor?



At one time, the Order of the Day in each chamber began with an invocation as a formal part of the agenda, but now invocations in the House or "moments of contemplation" in the Senate occur before the House Speaker or Senate President gavels the floor session to order. Presence by members in chamber during this time is entirely voluntary; this item appears on the House O.D., but not on the Senate's.

Floor sessions begin with a roll call of the members to record who is present. House and Senate rules require members to be present during floor sessions unless the House Speaker or Senate President excuses them or they are unable to attend due to illness. Routine items are addressed first -- reading or approval of the journal (the minutes of the previous floor session), messages from the Governor or communications from the other chamber, introductions,

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and honorary floor presentations. It can be quite an honor to be acknowledged on the floor, and often the presiding officer will recess session so that members can greet those who have been recognized with a floor presentation.

The "Order of the Day" section includes the action items being considered. For this portion of the O.D., motions are made and seconded to initiate actions suggested by the agenda. These can include: introduction of bills and resolutions, acceptance of committee reports, adoption of resolutions, referral of measures to committee, passage of bills, agreement/disagreement with bills returning from the other chamber, and (in the Senate) confirmation of appointments made by the Governor or the Judiciary.

If it has been determined that certain items have considerable support and may be passed with limited debate, those items may be listed under a "Consent Calendar." In such a case, the presiding officer will call for a vote on the entire list of measures, and if successful, all measures on the list will pass.

Sometimes unusual things happen. A "floor amendment" may be offered to change a bill while it's on the floor. This usually happens on Third or Final Reading, and if the amendment passes, 48 hours is required before a vote can be taken on the amended bill. On rare occasions, rather than moving a piece of legislation forward, a vote may be taken to recommit the item back to the committee from which it came. Even more rare, a vote may occur to recall a bill out of a committee, and force it to the floor for a vote. Reading through the House and Senate rules can provide you with an overview of what actions may occur.

Miscellaneous business and announcements usually wrap up the floor session before it is recessed until the next scheduled session. Announcements can vary from internal deadlines for processing legislation to wishing members a very happy birthday. During the announcement period, the occasional request may be made for a hearing notice waiver, which the presiding officer may grant.

### **Voting**

The rules of both chambers provide five ways in which members can vote on agenda items: voice vote, raising of hands, by rising, by roll call of the members, and by unanimous consent. All members are required to vote unless they are excused by absence or if the presiding officer determines that a conflict of interest exists between the member and the legislation that is being considered. Members may vote "aye" (an affirmative or "yes" vote), "aye with reservations" (a "yes" vote but making note of concerns), or "no" (a vote against the measure). Members may also vote "kanalua" when the clerk calls their name on a roll call vote. This is a deferment of voting for the time being. In this case, the clerk recording the votes will come back to the member after the other members have been called to vote. If the member continues to vote "kanalua" (twice on a measure in the Senate, three times in the House) rather than voting "aye" or "no," their vote will be counted as an "aye" vote.



### **Staff Present**

In addition to the Representatives and Senators, there are many members of legislative staff offices present during floor sessions.

Seated immediately in front of the presiding officer's podium are the Chief Clerk of the House or Senate and his or her aides. In addition to administration of the proceedings, they are charged with record keeping (roll call, votes, the journal) and communications to and from the chamber.

The House and Senate Sergeants-at-Arms and their assistants may appear at various positions on the floor and in the gallery. They maintain safety, order, and decorum, and escort any guests on and off the floor.

Others present during floor sessions may include House and Senate Communications personnel, staff from the House Majority and Minority offices, the Senate Majority office, and the Legislative Reference Bureau, as well as legislative staff from members' offices.

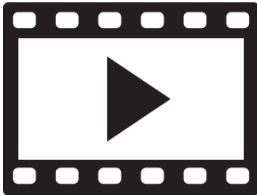
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## The Public

While the public does not participate in the discussions on the chamber floor, they can contact legislators *prior* to the floor session to share their view on a measure the members will be voting on. Per the State Constitution, legislators are given 48-hours notice before they are asked to vote on a bill for the third or final time. This notice gives them time to review the legislation carefully, and gives you time to let your views be known.



Members of the public can observe the proceedings by entering the street-level galleries of the House and Senate. Seating charts showing where each legislator is sitting are available on the "[Information Sheets](#)" page of PAR's website ([LRBhawaii.org/PAR](http://LRBhawaii.org/PAR)).



All of the proceedings are being captured on video. The Legislative Broadcast Project records and broadcasts select sessions that you can watch from home – Opening Day, special joint sessions, and the major Third and Final Reading sessions. Additionally, the House and Senate routinely record sessions internally. All of these videos are posted on the House and Senate webcast pages. It may take some time for them to appear. Find them by selecting the "[House](#)" or "[Senate](#)" bar on the right side of the Legislature's website, then look for the "Webcasts" links.

The House and Senate also publish journals, which capture all of the activity on the House and Senate floor, including members' speeches and the written comments they have submitted. You can view the House and Senate journals for the current and past years on the [House](#) and [Senate](#) pages of the Legislature's website. The online versions make it easy to search for particular days or measures. The hard copy volumes are published annually, and are available for viewing in the Legislative Reference Bureau Library (Room 005) located in the chamber level of the State Capitol. You can also find the most recent volumes in the Public Access Room.

**That was a quick overview! Questions? Want more information?  
Call or email PAR!**

## Workshops

### **Brown Bag Workshop on Conference Committees**



**Tuesday, April 4<sup>th</sup> or Tuesday, April 11<sup>th</sup>; 12 noon-1 p.m.**

*Understanding this end-of-session process can be a challenge for everyone. We'll offer some tips, information, and strategies that can help.*

Feel free to bring your lunch.

Please call (587-0478) or email ([par@capitol.hawaii.gov](mailto:par@capitol.hawaii.gov)) to sign up!

**PAR Hours: Monday - Friday, 7:45 a.m. - 6:00 p.m. (until May 4<sup>th</sup>)**