

# PUBLIC ACCESS ROOM

A division of the Legislative Reference Bureau

# NEWSLETTER

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## The Home Stretch -- Conference!

What's next for a bill that has survived its committee referrals and the required three votes in each chamber?

The exact wording of the bill needs to be agreed on by the House and Senate.

So, there's often some work left to do...



### One Version Goes Off to the Governor

When the Senate and House pass different versions of a bill, it poses a problem: only one version of a bill can go off to the Governor for consideration. Now, a small percentage of bills are not changed while in the non-originating chamber. There's no problem there -- the bill can go off to the Governor since both the Senate and House have passed the same version.

However, in most cases, a bill does get changed while it is in the non-originating chamber (that is, a House bill gets a Senate Draft or a Senate bill gets a House Draft). It is then sent back to its originating chamber. If the originating chamber decides to agree with the changes made, the bill is brought forward for a final reading vote in the originating chamber and then sent to the Governor for approval. But, more often than not, the originating chamber will decide to disagree with the changes the non-originating chamber has made. Then, the bill moves into the conference committee process.

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### 2019 Legislative Timetable

#### April

- 11<sup>th</sup> Second Crossover (Bills) & Last day to disagree
- 18<sup>th</sup> Constitutional Amendments: Deadline for final form
- 19<sup>th</sup> Holiday: Good Friday
- 22<sup>nd</sup> Second Crossover for Concurrent Resolutions
- 25<sup>th</sup> Last day to file Non-Fiscal Bills to deck for Final Reading
- 26<sup>th</sup> Last day to file Fiscal Bills to deck for Final Reading

#### May

- 2<sup>nd</sup> Adjournment *sine die* (Session pau!)

#### June

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

#### July

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

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## Conference Committee

The function of conference committees is to reconcile differences between the House and Senate versions of a bill. These committees are small groups of legislators that are appointed by leadership. We speak of "the conference committee for HB123" but we're actually talking about two committees for each bill... the House conference committee for HB123 and the Senate conference committee for HB123. They meet together -- to discuss, confer, and make decisions -- but the actual votes are taken separately.

- House and Senate leadership appoints lead chairs, co-chairs and other members of the conference committees. (Minority leadership may be consulted for minority representation.)
- The lead chairs are usually the chairs of the first committee a bill went through in the House and Senate. They will do the bulk of the work in trying to come to an agreement.
- The committees are usually composed of members of the standing committees in each chamber that originally considered the legislation.
- Members are often referred to as "managers" or "conferees."

## Conference Procedures

The conference committee period begins after the 2<sup>nd</sup> Crossover deadline (this year, that was April 11<sup>th</sup>). Each session, Senate and House leadership agree on joint rules governing conference committee operations. You can usually find these conference procedures on the [Legislative Information page](#) of the [Legislature's website](#) ([capitol.hawaii.gov](http://capitol.hawaii.gov)). These procedures specify the scope of conference committees, as well as meeting times and locations, public notice requirements, requirements for quorum, and decision-making deadlines. Generally, the procedures prohibit the insertion of new language into any conference draft (except the Executive Budget, Judiciary Budget and OHA Budget bills and other exceptions) and do not allow the merging of two or more distinct but related measures into one encompassing bill.

While the conference rules require that notice of the *first* conference committee meeting be posted in advance for a minimum time period (24 hours), subsequent meetings can be reconvened with little notice. Legislators may serve on numerous conference committees, which makes scheduling a challenge for legislative staff.

## Public Participation

The conference committee period is a time when legislators work out compromises on a bill amongst themselves. They are considering each piece of legislation in the context of all the other pending pieces of legislation. Although meetings are open to the public, no testimony is accepted. If you are interested in advocating at this stage, there are a few things you can do:

- Attend the meetings in order to follow the discussions (often extremely brief) and to demonstrate the bill's importance to you and your group;
- Contact the conference members separately via phone or email and let them know what aspect of the legislation you believe is a "must have" or an "absolutely not" to any final version;
- Ask your own Senator or Representative for assistance in influencing what comes out of the conference committee;
- Call on the relationships you've developed over session (it's hard to know who may be influential at this stage); and
- Encourage constituents from the conferees' districts to communicate with their legislators about the legislation.

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## Stay Informed

It is hard to explain the frenetic atmosphere that can arise during this stage of the proceedings -- conference meetings may convene, the chairs confirm that they still don't have an agreement, they announce a reconvene time, quickly gavel out, and away the conferees go to their next meeting. How to keep up with the action?

The bill's status sheet will be updated as its conferees are assigned and meetings scheduled. Things move very quickly during the conference committee period, so if a conference committee reconvenes multiple times in a day there may be a lag on updating the status sheet. The best way to stay informed is to be present at the meeting when they announce the next convene time.

The "Conference Committee" bar on the "[Reports and Lists](#)" page of the [Legislature's website](#) offers a number of tools. You can find all the conference meetings for the day, track down legislators based on their conference assignments, get lists of all measures in conference and their current status, and a list of room assignments.

## The Outcome

### Conference Draft ( CD1 )

Sometimes it takes only a few meetings for a conference committee to come to an agreement on a bill. Other times it takes *many* meetings. (Note: Any bill that was referred to Finance or Ways and Means must receive clearance from those committee chairs before a conference draft can be voted on.) Quorum requirements outlined in the procedures govern who must be present for a vote. When the House and Senate do come to an agreement, votes are taken on the new conference draft (CD1) in both the House conference and the Senate conference committees. The conference chairs then publish the Conference Committee Report (CCR) with the conference draft, and submit them to the chief clerks' offices prior to the appropriate decking deadline. The new version of the bill is then sent for a final vote ("final reading") in each chamber, which must take place before the end of session.

## Agree

Sometimes rather than agreeing on a conference draft, the conference committee for the originating chamber may instead choose to change their mind, and "agree" to the non-originating chamber's version of the bill. If so, they will take a vote to "agree" and then bring the bill to the floor of their chamber for a final reading vote. (In this case, the non-originating chamber's conference committee does not have to do anything.)

## "Dying in Conference"

Some differences are never reconciled. If the conference committees do not reach agreement by the appropriate decking deadline, the bill is dead for the session. *(But don't despair. Since 2019 is the first year of the legislative biennium, the bill is carried over to the 2020 session and there's always the possibility it may move forward then.)*

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## Conference Committee Deadlines

**Final decking for non-fiscal bills is April 25<sup>th</sup>, 2019.**

**For fiscal bills, it's April 26<sup>th</sup>, 2019.**

*[Note: Fiscal bills = received referrals to the Senate Ways and Means committee or the House Finance committee.]*

Any conference draft or decision on final form must be delivered to the House and/or Senate Chief Clerk by these deadlines.

These deadlines allow the 48-hour notice required prior to **final readings, which can then take place on April 30<sup>th</sup> or May 2<sup>nd</sup>** ... the last two session days of the 2019 Regular Session. *(Time flies!)*

## Important Deadlines for the Governor

### (Final Step for a Bill to Become a Law)

As we approach the end of the 2019 Legislative session, it is a good time to review how a bill can become law after it passes through both chambers of the Legislature and is presented to the Governor. The procedure for enactment, which is set forth in [Article III, Section 16](#) of the Hawai'i State Constitution, varies depending on when the bill is delivered to the Governor and the Governor's subsequent action or inaction in considering the bill.

**If the bill is sent to the Governor on or before April 15<sup>th</sup> (10 or more days before *sine die*), then...**

- If the Governor signs the bill within 10 days, the bill becomes law.
- If the Governor neither signs nor vetoes the bill within 10 days, the bill becomes law without the Governor's signature.
- If the Governor vetoes the bill within 10 days, the bill does not become law unless the Legislature reconsiders the bill before sine die and overrides the veto by a 2/3 vote of all members in each chamber.

**If the bill is sent to the Governor after April 15<sup>th</sup> (less than 10 days prior to *sine die*), then...**

- If the Governor signs the bill by July 9<sup>th</sup> (the 45<sup>th</sup> day after *sine die*), the bill becomes law.
- If the Governor neither signs nor vetoes the bill by July 9<sup>th</sup> (the 45<sup>th</sup> day after *sine die*), the bill becomes law without the Governor's signature.
- If the Governor intends to veto the bill, the Governor must inform the Legislature by June 24<sup>th</sup> (the 35<sup>th</sup> day after *sine die*) and deliver the veto by July 9<sup>th</sup>. If the bill is vetoed, it will not become law unless:
  - the Legislature amends the bill in special session to address the Governor's objections and the Governor signs the amended bill within 10 days of receipt, or
  - the Legislature successfully overrides the veto in special session by a 2/3 vote of all members in each chamber.

The Legislature must convene in special session at or before noon on July 9<sup>th</sup> to act upon the Governor's veto.

Saturdays, Sundays, holidays, and any days in which the Legislature is in recess prior to its adjournment are excluded in the calculation of days. The date that a bill goes into effect as law can be found in the bill's last section.

## Session Debriefing

Come and join us for an interactive workshop, discussing the 2019 Session, the legislative process (the routine and the unusual), and strategies for advocacy over the interim.

**Wednesday, April 24<sup>th</sup>**  
**12 noon - 1:00 p.m.**

**Public Access Room (PAR)**  
**Room 401, Hawaii State Capitol**

**PAR Hours: Monday - Friday, 7:45 a.m. - 6:00 p.m. (until May 2<sup>nd</sup>)**

**Interim Hours: Monday - Friday, 8:00 a.m. - 4:30 p.m.**