

Conference Committees

How do they work?
When do they meet?
How do I find them?
What now?!

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- When do they meet?
- How do I find them?
- What now?!

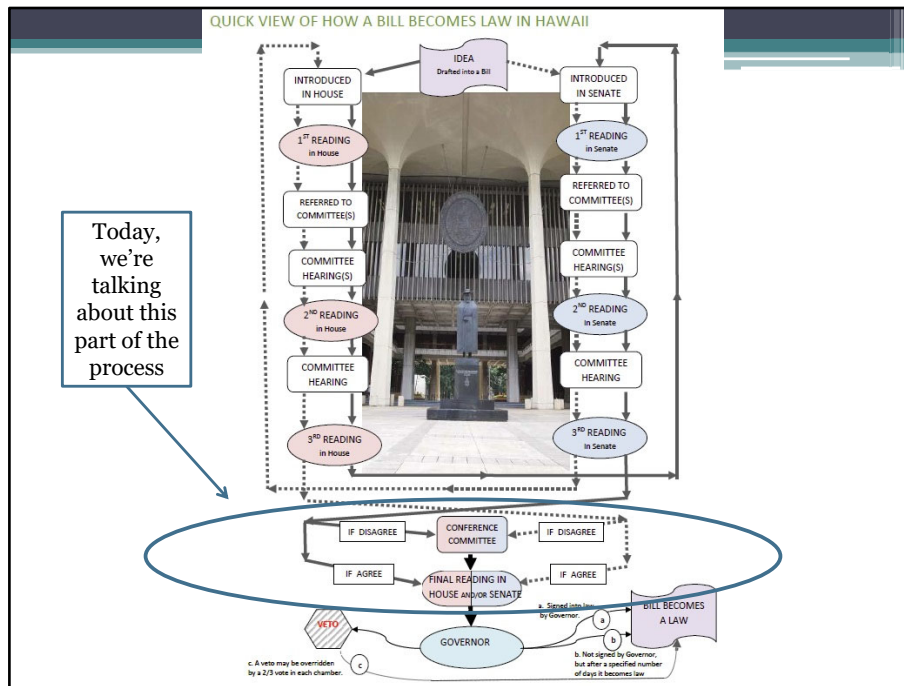
Going to Conference...

- Opaque
- Lots of activity
- It's been a long session...



If you've made it to Conference, you've come quite a way in the "bill to law" process. Most bills never reach this point!

- Process can appear **opaque** to the public.
- Lots of **action** – sometimes challenging to figure out who/what/where/how to focus energies.
- Comes at the end of a long session – advocates may be **tired**, but this is a crucial phase of the process.



It's this complicated looking part of the process that we're focusing on today.

Here's a brief glimpse of what a bill needs to go through to become a law...

- Pass through all **committees** (hearings) the House and Senate have referred it to

and

- Pass **three readings (votes)** in each chamber (all members)

and

- Have **exact wording** agreed to by House and Senate

and

- Be signed or allowed to come into law by **Governor**, or House and Senate successfully overrides his veto.



Here's a brief glimpse of what a bill needs to go through to become a law....

- A bill has to have made it through all the committees it was referred to (which is when the public got to offer testimony at hearings) and passed three readings (or votes) on the floor of both the House and the Senate.
- Now we're to the third item on this list – agreeing on the exact wording of the bill that will go off to the Governor.

Have both House and Senate agree on
exact wording



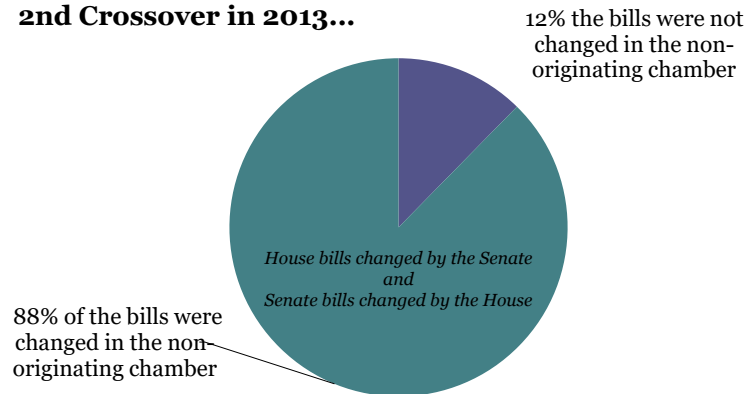
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Agreeing on the exact wording...

- Now this isn't even an issue if the non-originating chamber did not make any changes...

But most bills have been changed...

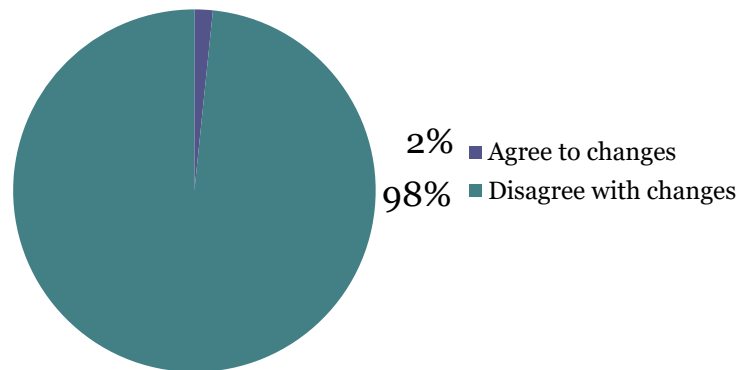
**Of the bills that passed
2nd Crossover in 2013...**



But at this point, most bills have been changed.

- In 2013, 88% of the bills that passed Second Crossover were changed and 12% were not changed in the non-originating chamber.

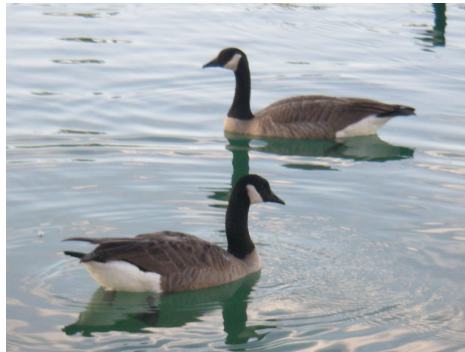
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And- almost always- those changes are **not “agreed to”** by the originating chamber.

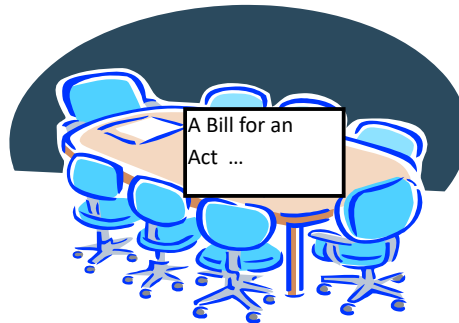
- Of bills passing Second Crossover with changes in 2013, 98% had the changes **“disagreed to.”**
- Only 2% were **“agreed to.”**

Instead, the originating chamber chooses to “disagree” with the changes made...



- Instead, the originating chamber chooses to “**disagree**” with the changes made...
- Conference Committees start meeting the week after Second Crossover.

Which means that bill will go to
Conference



If the originating chamber **disagrees** with the changes made by the non-originating chamber, it goes to conference.

Why Conference?

When the Senate and House pass different versions of a bill, it poses a problem: only one version can go off to the Governor for consideration.

As a result, unless the originating chamber agrees to the other's version, the bill moves into the *conference committee process*.

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What is a Conference Committee?

For **each bill** that reaches this stage, conference committees may be formed with members appointed from each chamber



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Not guaranteed...

- Some bills reach this point, and the conferees for one or the other chamber are not appointed
- Then, the bill dies unless something extraordinary happens
- If previous conferees were “discharged,” new ones must be named

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- Then, the bill dies unless something extraordinary happens.
- If previous conferees were “discharged,” new ones must be named.

Who are the conferees?

- **“managers” or “conferees”** – numbers vary
- **appointed by leadership**
- **chairs** = usually the subject matter chairs (typically the bill's first committee referrals)

Who are the conferees?

- Members are often called **“managers” or “conferees.”** The numbers vary.
- Members of both chambers are **appointed by the Senate President and the House Speaker.** (Minority leadership may be consulted for minority appointments.)
- The House and Senate **Chairs** of the conference committee are usually the subject matter committee chairs for a given measure (typically the bill's first committee referrals).
- You can frequently find more than one Chair for a measure depending on the referral, or you may even find a Vice-Chair heading-up a Conference Committee.

Two committees

- We speak of “the conference committee for HB123” but we’re actually talking about two committees...
the House conference committee for HB123 and the Senate conference committee for HB123
- They meet together – to discuss, confer, and make decisions – but the **votes are taken separately**, and each committee must meet its chamber’s quorum requirements

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• 2015 Joint House-Senate Conference Procedures NEW

Procedures

Conference committee procedures are usually agreed upon in **early-mid April**.

Once available, they can be found under "**Recent Updates**" in the center of the Legislature's homepage (capitol.hawaii.gov) or on the "Legislative Information" page.



HAWAII STATE LEGISLATURE
STATE CAPITOL
415 SOUTH BERETANIA STREET
HONOLULU, HAWAII 96813

**29th LEGISLATURE, REGULAR SESSION OF
2018 JOINT HOUSE and SENATE
COMMITTEES ON CONFERENCE PROCEDURES**

The Senate and the House have agreed to the following special procedures for all 2018 Regular Session Committees on Conference. These Conference procedures shall be effective from 8:00 a.m. on Monday, April 16, 2018, until 12:00 midnight on Friday, April 27, 2018.

1. Definitions

For purposes of these procedures:

"Chairs" refers to all of the designated chairs and co-chairs of a Conference Committee.

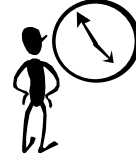
"Conference Committee" refers to the conference of the House Committee and the

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Procedures

- **24-hours notice** given for 1st meeting; subsequently, can just announce reconvene times and locations.
- **Votes are taken separately** (i.e., House conferees vote amongst themselves, Senate conferees amongst themselves).
- Rules specify **quorum** needed for convening and decision making.



Legislators may serve on numerous committees and scheduling votes can be a challenge for legislative staff.

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Procedures:

- **Originating chamber's subject committee chair** is usually the originating chamber's lead chair, and **responsible for scheduling the meetings**.
- Usually, the **lead chairs** are the only ones who speak at the meetings.

Procedures

- **No new subject matter** should be inserted *[except for the budget bills (Executive, Judiciary and Office of Hawaiian Affairs)]*
- **Not allowed to merge** two or more distinct but related measures into one encompassing measure

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A Note re: **Fiscal (\$)** Bills

- **Bills with fiscal implications must get approval by money chairs.**

This means that even if you've got loads of support from the other conferees, the fate of your bill – and whether or not it comes out of conference – may not be known until the evening of the Final Decking deadline for fiscal bills.

A Note regarding Fiscal Bills:

- **Bills with fiscal implications must get approval by money chairs.** This includes all bills that have a **FIN or WAM referral**.
- This means that even if you've got loads of support from the other conferees, the fate of your bill – and whether or not it comes out of conference – may not be known until the **evening of the Final Decking** deadline for fiscal bills.

Can the public testify?

- No. The opportunity for public testimony was during the committee hearing process.
- Conference is the time when legislators work out compromises among themselves.
- The meetings are open to the public.

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- Conference is the time when legislators **work out compromises** among themselves.
- The meetings are **open** to the public. During the 2021 conference period, all meetings will be streamed and saved on YouTube.

Should I attend conference committee meetings?



- Being present allows you to follow any discussions during the meetings.
- It is always good for advocates and/or opponents to be present as a statement of the bill's importance.

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Note: In 2021, there is not the opportunity to be "present", but you can watch the proceedings.

How can I advocate at this stage?

- **Contact the conference members** independently and concisely communicate what aspect of the bill you believe is a “must have” or an “absolutely not” to any final version they come up with.
- **Ask your own Senator or Representative** for assistance in influencing the legislation.

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Following the Action

- Conferees will use '*comparison sheets*' which cite the differences in the language of the two drafts.
- These *sheets* list the pages and lines of dissimilar verbiage in the drafts, which the Conferees will then refer to in their hearings.
- This tool is used to confine the efforts of the committee members to the points that have not been agreed to.

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Sample from a Comparison Sheet...

COMPARISON OF BILLS H.B. NO. 248, H.D. 1, S.D. 1 RELATING TO FIREARMS

HOUSE VERSION	SENATE VERSION
<u>Section 1, page 1, lines 5 – 7:</u> "...magazines [with a capacity in excess of ten rounds which] that are designed for or capable of use with a pistol, but are not authorized for use with the pistol by its manufacturer, is..."	<u>Section 1, page 1, lines 5 – 7:</u> "...magazines with a capacity in excess of ten <u>fifteen</u> rounds which are designed for or capable of use with a pistol is..."
<u>Section 1, page 1, lines 5 – 7:</u> " [This subsection shall not apply to magazines originally designed to accept more than ten rounds of ammunition which have been modified no more than ten rounds and which are not capable of being readily restored to a capacity of more than ten rounds.] "	<u>Section 1, page 1, lines 5 – 7:</u> "This subsection shall not apply to magazines originally designed to accept more than ten <u>fifteen</u> rounds of ammunition which have been modified no more than ten <u>fifteen</u> rounds and which are not capable of being readily restored to a capacity of more than ten <u>fifteen</u> rounds."
<u>Section 3, page 1, line 15:</u> "SECTION 3. This Act shall take effect on January 1, 2112."	<u>Section 3, page 1, line 14:</u> "SECTION 3. This Act shall take effect on July 1, 2007."

Here's a sample from a comparison sheet...

- This tool is used to confine the efforts of the committee members to the points that have not been agreed to and eliminates the need to compare the drafts of the measures as a whole.

Helpful Tools

- Conference Committee discussion moves at a swift pace. You may want to create a tracking chart to help keep track of all of your bills, and their re-convene times.

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House Measure	Lead Chairs	Wed. 4/22	Thurs. 4/23	Fri. 4/24	Mon. 4/27	Tues. 4/28	Wed. 4/29	Thurs. 4/30 NON-FISCAL DECKING	Fri. 5/1 FISCAL DECKING	Decision
Senate Measure										

- Here's an example of a tracking chart.

Where can I stay informed about conference committee actions?

Measure's Status Page

4/11/2013	H	Received notice of disagreement (Sen. Com. No. 607).
4/15/2013	S	Senate Conferees appointed: Taniguchi, Chair; Ige, Co-Chair(s); Kahale, Kidani, Slom.
4/15/2013	H	Received notice of Senate conferees (Sen. Com. No. 694).
4/18/2013	S	Senator(s) Ige discharged as (Co-) Chair; Added as conferee.
4/18/2013	S	Senator(s) Kidani discharged as conferee(s); Added as Co-Chair(s).
4/18/2013	H	Received notice of change in Senate conferees (Sen. Com. No. 709).
4/19/2013	H	House conferees appointed: Choy, Luke Co-Chairs; Nishimoto, Fale.
4/19/2013	H	Bill scheduled for Conference Committee Meeting on Monday, 04-22-13 10:00AM in conference room 329.
4/22/2013	S	Received notice of appointment of House conferees (Hse. Com. No. 712).
4/22/2013	H	Conference Committee Meeting will reconvene on Tuesday 04-23-13 10:00AM in conference room 329.
4/23/2013	S	Conference committee meeting to reconvene on 04-24-13 10:30AM in conference room 329.
4/24/2013	S	Conference committee meeting to reconvene on 04-25-13 10:15AM in conference room 329.
4/25/2013	S	Conference committee meeting to reconvene on 04-26-13 10:05AM in conference room 329.
4/26/2013	H	Conference Committee Meeting will reconvene on Friday, 04-26-13 at 2:00PM in Conference Room 329.
4/26/2013	S	Conference committee meeting to reconvene on 04-26-13 2:45PM in conference room 329.
4/26/2013	S	The Conference committee recommends that the measure be PASSED, WITH AMENDMENTS. The votes of the Senate Conference Managers were as follows: 3 Aye(s): Senator(s) Taniguchi, Kidani, Kahale; Aye(s) with reservations: none ; 0 No(es): none; and 2 Excused: Senator(s) Ige, Slom.
4/26/2013	H	The Conference Committee recommends that the measure be Passed, with Amendments. The votes were as follows: 4 Ayes: Representatives(s) Choy, Luke, Nishimoto, Fale; Ayes with reservations: none; 0 Noes: none; and 0 Excused: none.

Where can I stay informed about conference committee actions?


- The bill's status sheet will be updated as its conferees are assigned, and meetings scheduled.



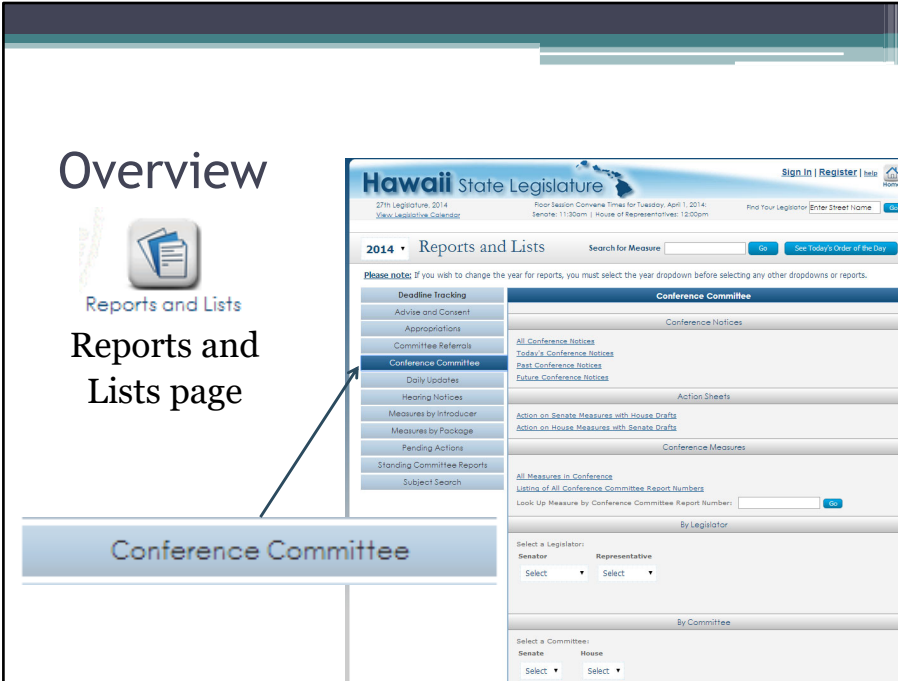
Where can I stay informed about conference committee actions?

- Go to the **Reports and Lists** button on the Legislature's website (capitol.hawaii.gov).

Overview



Reports and Lists page



The screenshot shows the Hawaii State Legislature website. The left sidebar contains a list of links: [Deadline Tracking](#), [Advise and Consent](#), [Appropriations](#), [Committee Referrals](#), [Conference Committee](#) (highlighted with an arrow), [Daily Updates](#), [Hearing Notices](#), [Measures by Introducer](#), [Measures by Package](#), [Pending Actions](#), [Standing Committee Reports](#), and [Subject Search](#). The main content area is titled '2014 • Reports and Lists' and includes a search bar and a 'Please note' message. Below the message, there are sections for 'Conference Committee' (with links for All, Today's, Past, and Future notices), 'Action Sheets' (with links for Senate and House measures), 'Conference Measures' (with a link for all measures), and 'By Legislator' (with dropdowns for Senator and Representative). At the bottom, there is a 'By Committee' section with dropdowns for Senate and House.

On the Reports and Lists page, click **“Conference Committee.”**

You can find all sorts of helpful information...

- Find all conference meetings for the day...
- Track down legislators based on their conference assignments...
- Get lists of all measures in conferences and their current status...

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You'll also find a list of room assignments there, arranged according to subject matter committees.

What's a conference meeting like?

- **Chairs** are usually the only ones speaking
- Meetings often grouped together – gavel out of one bill, and into another
- Often only discussion is whether agreement has been reached – if not, another time to meet is set
- Sometimes, one or both sides decide an agreement is not going to be forthcoming

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- Often only discussion is whether agreement has been reached – if not, another time to meet is set
- Sometimes, one or both sides decide an agreement is not going to be forthcoming (the bill dies)

What's the deadline for the conference committee to come to a decision?

April 22nd – Decking for non-fiscal bills

April 23rd – Decking for fiscal bills

Any conference draft or decision on final form must be delivered to the House and/or Senate Chief Clerk by then (placed on the clerks' "decks," or desks).



The deadline for the conference committee to come to a decision:

- April 22nd Decking for non-fiscal bills
- April 23rd Decking for fiscal bills

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What's the deadline for the conference committee to come to a decision?

They set deadlines more specifically... for example...

6:00 p.m. = conclude negotiations

9:00 p.m. = committee report available for review and signature

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This year's may be different!



The fate of the bill...

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CD1

The fate of the bill...

- The conferees may come to an agreement on a **new version of the bill**.
- Both the House conferees and the Senate conferees vote to pass a CD1 (conference draft #1) version of the measure.
- The chairs write a committee report that will accompany the new draft and present it to the Speaker and President recommending it be scheduled for a Final Reading vote in each chamber.

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The fate of the bill... **AGREE**

- The originating chamber's conferees may vote to **go along with the non-originating chamber's version (the current version) of the bill.**
- A vote is taken on the floor of the originating chamber to change the previous decision of "Disagree" to an "Agree;" the bill gets scheduled for a Final Reading vote.
- *Note: No action is required by the non-originating chamber and its conferees.*

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The fate of the bill...



- The conferees may **fail to come to an agreement** prior to the decking deadline.
- The bill “dies in conference.”
- If it is the first year of the biennium, it will carryover to the next year’s session. There is always the possibility that conferees may resume negotiations, and move it forward. (Conferees may be discharged at the start of the 2nd year’s session – requiring action to get negotiations moving again.)

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Final reading



- Must happen before end of session (*adjournment sine die*).
- **Not over 'til it's over...** a bill then needs to go off to the Governor, who may sign the bill into law, allow it to become law without signature, or veto the bill. (There is a mechanism by which the Legislature can override the Governor's veto.)

Final Reading:

- Must happen before end of session (*adjournment sine die*).
- **Not over 'til it's over...** a bill then needs to go off to the Governor, who may sign the bill into law, allow it to become law without signature, or veto the bill. (There is a mechanism by which the Legislature can override the Governor's veto.)

Note: Exception is a bill that proposes a constitutional amendment; instead of going to the governor, it goes on the ballot.

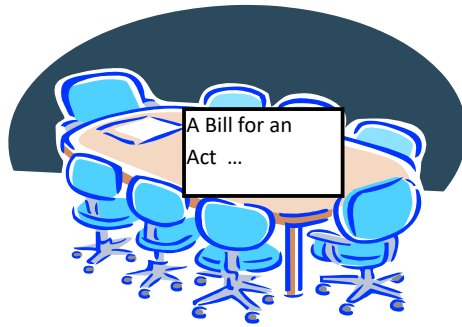
CONFERENCE

- Use the tools available to follow what you *can*
- Call on the relationships you've developed with colleagues and allies
- Keep up the effort!

A Bill for an Act.

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Pau!



Public Access Room (PAR)
587-0478
par@capitol.hawaii.gov

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