



## HAWAI'I STATE LEGISLATURE

STATE CAPITOL  
415 SOUTH BERETANIA STREET  
HONOLULU, HAWAI'I 96813

### **31<sup>st</sup> LEGISLATURE, REGULAR SESSION OF 2021 JOINT HOUSE and SENATE COMMITTEES ON CONFERENCE PROCEDURES**

Due to the extraordinary circumstances surrounding the COVID-19 pandemic, the Senate and the House have agreed to the following special procedures for all 2021 Regular Session Committees on Conference. These Conference procedures are not meant to establish any precedent and shall only be effective from 8:00 a.m. on Monday, April 19, 2021, until 9:00 p.m. on Friday, April 23, 2021.

#### **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 Senate Committee assigned by their respective chamber to resolve the differences between the House and the Senate over a particular measure.

"Lead chair" refers to the chair of the House Committee or the Senate Committee who is listed first on the Action Sheets, as provided by the respective chamber.

"Lead committee staff" refers to the staff of the lead Chair from the chamber from which the measure in conference originated.

"Managers" refers to all members of the House and Senate assigned to a Conference Committee.

#### **2. Conference Committee Scope and Amendments**

The authority of the Conference Committee shall be limited to resolving differences between the Senate and House on a measure.

- a. With the exception of the Executive Budget, the Judiciary Budget, and the Budget of the Office of Hawaiian Affairs, a Conference Committee shall not amend a measure by inserting any unrelated or new subject matter.
- b. To assure the integrity of individual measures, the merging of two or more distinct but related measures into one encompassing measure shall not be allowed.

### **3. Conference Committee Meeting Times and Places**

Conference Committee deliberations shall take place only between the hours of 8:00 a.m. and 9:00 p.m.

A Conference Committee shall meet in the conference room assigned or reserved, pursuant to the Room Scheduling Procedures and Guidelines, as attached.

- Senate Conference Committee managers may attend conference meetings in the conference room assigned or reserved pursuant to the attached Room Scheduling Procedures and Guidelines, or virtually using videoconference technology pursuant to the attached Remote Participation Procedures and Guidelines. Senate lead chair shall attend conference meetings in the conference room assigned or reserved.
- House Conference Committee Chairs and managers are required to attend conference meetings in the conference room assigned or reserved. House members are not permitted to participate remotely.

### **4. Initial Public-Meeting Notice**

The electronic signatures of all chairs shall be obtained before the notice of an initial meeting is posted or distributed. Prior to offering the initial meeting notice for signatures, the chairs shall consult with one another on the information to be included in the notice.

Chairs shall provide at least 24-hour public notice of the first meeting of the Conference Committee and are strongly encouraged to provide more than 24-hour notice if at all possible. Written notices shall be submitted to the Senate Chief Clerk and the House Sergeant-at-Arms for official postings on the Legislature's website. The lead committee staff shall post the notice adjacent to the door of the assigned conference room at the time of the meeting.

### **5. Notice of Subsequent Meetings**

- a. If agreement is not reached at a duly noticed meeting but the lead chairs of both chambers agree to meet again before 9:00 pm on the same day, the lead chairs of both chambers shall publicly announce at the meeting the time and place at which the Conference Committee will reconvene. Written notice of the reconvening of the Conference Committee on the same day is not required to be distributed. However, written notice containing information on the subsequent meeting shall be submitted to the Senate Chief Clerk and the House Sergeant-at-Arms for official posting as soon as possible. The lead committee staff shall post the notice adjacent to the door of the assigned conference room at the time of the meeting.
- b. If agreement is not reached at a duly noticed meeting but the lead chairs of both chambers agree to meet on another day, the lead chairs of both chambers shall publicly announce at the meeting the date(s), time(s), and place of the subsequent meeting(s), and submit written notice to the Senate Chief Clerk and the House Sergeant-at-Arms for official posting. The lead committee staff shall post the notice adjacent to the door of the assigned conference room at the time of the meeting.

- c. If agreement is not reached at a duly noticed meeting and the date(s), time(s), and place of future meetings are not publicly announced at that noticed meeting, chairs shall ensure that a written meeting notice, signed electronically by the lead chairs of their respective chamber, is submitted to the Senate Chief Clerk and the House Sergeant-at-Arms for official posting at least 24 hours in advance of the next meeting of the Conference Committee.

## **6. Attendance at Meetings**

- a. To convene the initial conference committee meeting only the lead House and Senate chair must be present. All other conference committee managers, especially any co-chair, should attempt to be present.
- b. Once a conference has been opened, reconvening of any subsequent meeting of a conference committee shall require the following:
  - i. For the Senate, the lead chair or a co-chair must be present.
  - ii. For the House, the lead chair must be present.
  - iii. All other conference committee managers, especially any co-chair, should attempt to be present at the convening of and during each meeting.
- c. For decision-making at a meeting, a quorum must be present. "A quorum shall be a majority of the House Committee managers and a majority of the Senate Committee managers and shall include the lead House and Senate chair and majority of the chairs of the Conference Committee for their respective chamber." See Section 9.a of the "Procedures." The lead House and Senate chair of the conference committee must be part of this quorum.
- d. For a measure with fiscal implications, approval must be given by the chair representing the House Finance Committee and Senate Ways and Means Committee prior to the decision-making on the measure.

## **7. Conference Discussion**

Except as authorized by the respective chairs, only the respective chairs may speak during conference. All other managers or other authorized persons shall be recognized by their respective chairs before speaking on any issue.

## **8. Decorum in Conference Committee Meetings and Courtesy to the Public and to the Managers**

- a. Managers shall respect the differing views of other managers and conduct themselves in a courteous manner.
- b. Chairs shall ensure that meetings convene and reconvene at scheduled times. If none of the chairs of one of the Committees are present within 15 minutes of the scheduled meeting time, the chairs of the other Committee shall contact the absent chair.

- c. If none of the absent chairs are present within 30 minutes of the scheduled meeting time, the chairs present shall inform the managers and members of public present that the Conference Committee cannot be convened or reconvened, and that, pursuant to 5.c of these Committees on Conference Procedures, a 24-hour advance notice shall be provided for a subsequent meeting of the Conference Committee.

## **9. Decision-making Meeting**

The decision-making meeting of a Conference Committee shall comply with the following open meeting provisions:

- a. A quorum of the Conference Committee shall be present for the decision-making meeting. A quorum shall be a majority of the House Committee managers and a majority of the Senate Committee managers and shall include the lead House and Senate chair and majority of the chairs of the Conference Committee for their respective chamber.
- b. To report a measure out of Conference Committee in amended form, Conference Draft (CD), a majority of the quorum of managers for each respective chamber shall vote in favor of the proposed amendments.
- c. The lead chair (or the lead chair's designee) representing their respective chamber shall call the roll and be the recorder of the quorum and the votes on that measure for that chamber. (Sample attached).
- d. If, after naming a Conference Committee on a measure, the Conference Committee managers representing the chamber from which a measure originated agree to the amendments made by the non-originating chamber, only a quorum of those representing the originating chamber shall vote on the agreement at a duly noticed meeting. For example, if after naming a Conference Committee on a House measure, the House managers of the Conference Committee decide to agree to the amendments in the Senate draft (SD) of the measure, then only the House managers of the Conference Committee shall vote on the measure, returning it to the House in its SD form. For such action, only a quorum of the Conference Committee managers representing the chamber from which the measure originated need to be present. The "Record of Votes of a Conference Committee" sheet detailing the votes of the managers of the originating chamber shall be filed with the appropriate chamber without a Conference Committee Report.

## **10. Conference Committee Reports**

- a. A majority of the House and Senate chairs, respectively, of a Conference Committee shall attest to the action of the Conference Committee by physically signing the Conference Committee Report on behalf of their respective managers; provided that no Conference Committee Report concerning a measure with fiscal implications shall be reported out of a Conference Committee without the physical signature of the chair (or the chair's designee) of each fiscal committee to which the measure is referred. The "Record of Votes of a Conference Committee" sheet detailing the votes of the managers of the Conference Committee shall be attached to the report as a part thereof.

- b. All House measures reported out of Conference Committee shall be filed with the House Chief Clerk, and likewise all Senate measures shall be filed with the Senate Chief Clerk. A document filed in the originating chamber shall be deemed simultaneously filed in the other chamber. Only the original Conference Committee Report, with the attached Record of Votes, and the Conference Draft of the measure shall be required for filing.
- c. If the Conference Committee votes to report the measure out, the Committee must file a Conference Committee Report and Conference Draft with the appropriate chamber's Chief Clerk.

**11. Decision-making Deadlines**

On the deadline nights for Final Decking of both non-fiscal and fiscal bills:

- a. Conference Committees shall conclude their negotiations by **6:00 p.m.** to allow adequate time for final preparation of the bills and Conference Committee Reports.
- b. To provide all chairs with ample opportunity to review and sign the Conference Committee Reports before filing, all Conference Committee Reports shall be available for review and signature by **9:00 p.m.**
- c. All Conference Committee Reports and Conference Drafts of measures shall be filed with the respective Chief Clerk by **11:30 p.m.**

**12. Electronic Transfer**

Should a Conference Committee for which the vehicle is a Senate bill decide to use a proposal drafted by the House, the House chair shall have the House proposal electronically transferred to the appropriate Senate office so that the Conference Draft can be prepared. The converse shall apply to House bills with proposals drafted by the Senate that the Conference Committee agrees to.

**13. Exceptions to these Deadlines and Procedures**

Exceptions to these deadlines and other procedures may be made only with the advance written approval of both the Senate President and the House Speaker.

  
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 Ronald D. Kouchi  
 President of the Senate

4.13.21  
 \_\_\_\_\_  
 Date

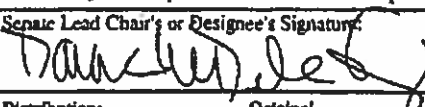
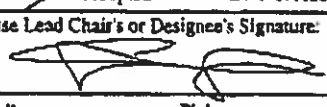
  
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 Scott K. Saiki  
 Speaker of the House of Representatives

4.13.21  
 \_\_\_\_\_  
 Date

Hawaii State Legislature

CCR 3-18

Record of Votes of a Conference Committee

Bill / Concurrent Resolution No.: HB 1900, HD 1, SD 2					Date/Time: 4/20/2018 3:30 PM														
<input checked="" type="checkbox"/> The recommendation of the House and Senate managers is to pass with amendments (CD). <input type="checkbox"/> The Committee is reconsidering its previous decision. <input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure.										<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.									
Senate Managers					A	WR	N	E	House Managers					A	WR	N	E		
DELA CRUZ, Donovan M., Chr.					/				LUKE, Sylvia, Chr.					/					
ENGLISH, J. Kalani					/				CACHOLA, Romy M.					/					
GALUTERIA, Brickwood					/				CULLEN, Ty J.K.					/					
HARDMOTO, Breene					/				DECOITE, Lynn					/					
INOUBE, Lorraine R.					/				FUKUMOTO, Beth					/					
KAHELE, Kaali'i					/				GATES, Cedric Asuega					/					
KEITH-AGARAN, Gilbert S.C.					/				HOLT, Daniel					/					
KIDANI, Michelle N.					/				KEOHOKALO, Jarrett					/					
RIVIERE, GI					/				KOBAYASHI, Bertrand					/					
SHIMABUKURO, Maile S.I.					/				LOWEN, Nicole E.					/					
WAKAI, Glenn					/				NAKAMURA, Nadine K.					/					
									TODD, Chris					/					
									YAMASHITA, Kyle T.					/					
									TUPOLA, Andria P.L.					/					
									WARD, Gene					/					
TOTAL					9			2	TOTAL					14			1		
A - Aye					WR = Aye with Reservations					N = Nay					E = Excused				
Senate Recommendation is:										House Recommendation is:									
<input checked="" type="checkbox"/> Adopted					<input type="checkbox"/> Not Adopted					<input checked="" type="checkbox"/> Adopted					<input type="checkbox"/> Not Adopted				
Senate Lead Chair's or Designee's Signature: 										House Lead Chair's or Designee's Signature: 									
Distribution: Original					Yellow					Pink					Goldenrod				
File with Conference Committee Report					House Clerk's Office					Senate Clerk's Office					Drafting Agency				